

THE TINSLEY CASE DECISION

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ABSTRACT

BAYINAAH R. JONES: The Tinsley Case Decision
[Under the direction of Dr. George W. Noblit]

What is the collective action necessary to overcome educational inequality? And was educational inequality overcome through legalized school desegregation? These are the questions that drive the following study. This study looks closely at the community impact from a specific school desegregation case decided in 1986 in Northern California. Through a court order, local school districts were directed to allow a small portion of African American and white students to transfer voluntarily to neighboring school districts outside of their assigned boundaries in order to create racial balance, thereby improving educational achievement for African American students. The program, known as the Tinsley Voluntary Transfer program is in existence today. Here, the researcher begins unpacking the meaning of school desegregation and its impact in a local context. This study grounded in critical race theory also suggests a need to reassess outcomes and conclusions from 52 years of legalized school desegregation cases. The gap in educational achievement between African Americans and whites participating in the voluntary transfer program and African Americans and whites not participating in the voluntary transfer program persists at virtually the same statistical average in both

settings. While results from the study do indicate individual African American students who participate in the program show improvement over African American students who do not participate in the program, there is overwhelming evidence that no marked improvement in the collective educational achievement of African American students vis-à-vis white students came as a result of the Tinsley case.

ACKNOWLEDGEMENTS

Growing up in the 1970s in the San Francisco Bay Area, the world appeared bright, shiny and full of possibilities. Thirty-six years later, I fight daily to feel this same way...a bright, shiny world full of possibilities, I remind myself is tangible, slow and at times gains are made; gains are forgotten; gains are lost; gains are stolen; gains are even bartered away. Yet, my spirit will not give up on possibility. This is dedicated to those who intuit that there are still many paths to travel, intersections to find and pendulum swings to avoid—we'll find a way together.

Like many children of the 1970s era, the following song is a childhood favorite of mine; in my twenties, I found a copy of the illustrated songbook for children at a garage sale. I felt good giving the owner \$2.50 in exchange for the fond, fond memories the songbook, along with the 1974 television special credited to "Marlo Thomas and Friends", invoked; in my thirties, it continues to invoke in me a longing for the possibilities of communal joy, sharing, equity, acceptance and love. Its spirit I wish to dedicate. If you feel any portion of my writings resonate in/with/to/for/because of you, then shall it suffice to say, accept the challenges there entailed and help bring to fruition these lyrics.

Lastly, a nod to my shortcomings—errors, oversights, and omissions are all products of my own human shortcomings, and I take full responsibility for them.

Free to Be You and Me

There's a land that I see where the children are free
And I say it ain't far to this land from where we are
Take my hand, come with me, where the children are free
Come with me, take my hand, and we'll live

In a land where the river runs free
In a land through the green country
In a land to a shining sea
And you and me are free to be you and me

I see a land bright and clear, and the time's comin' near
When we'll live in this land, you and me, hand in hand

Take my hand, come along, lend your voice to my song
Come along, take my hand, sing a song

For a land where the river runs free
For a land through the green country
For a land to a shining sea
For a land where the horses run free
And you and me are free to be you and me

Every boy in this land grows to be his own man
In this land, every girl grows to be her own woman
Take my hand, come with me where the children are free
Come with me, take my hand, and we'll run

To a land where the river runs free
To a land through the green country
To a land to a shining sea
To a land where the horses run free
To a land where the children are free
And you and me are free to be
And you and me are free to be
And you and me are free to be you and me
—Stephen Lawrence and Bruce Hart (1972)

TABLE OF CONTENTS

	Page
LIST OF TABLES AND FIGURES.....	ix
CHAPTER	
1 AN INTRODUCTION TO THE TINSLEY CASE DECISION.....	1
<i>Background of the Study</i>	5
<i>Research Method</i>	6
<i>Participants</i>	11
<i>A Breakdown by Chapter</i>	12
<i>Findings</i>	14
2 SETTING THE STAGE FOR THE TINSLEY CASE; A CITY THAT ALMOST NEVER WAS	16
3 THE TINSLEY CASE.....	31
<i>Sneaking Out & Getting Over the Boundary of Race and Class Difference</i>	36
<i>The Faces of the Tinsley Case</i>	37
<i>Goals and Unintended Consequences</i>	39
4 LIMITATION TO EQUALITY IN PUBLIC SCHOOLS.....	44
<i>A White-streamed Understanding of School Desegregation</i>	45
<i>A Non-white-streamed Understanding of School Desegregation</i>	49
<i>What Does CRT Offer to School Desegregation Research?</i>	51
<i>The Tinsley Case: An example of a CRT counter-narrative</i>	54

	<i>The Tinsley Student as Marker</i>	59
	<i>Ethnicity as Marker.....</i>	62
	<i>Comparison of Paly’s white students to its African American & Latino students</i>	62
	<i>Comparison of Gunn’s white students to its African American & Latino students</i>	62
	<i>Comparison of M.A.’s white students to its African American & Latino students</i>	63
	<i>Comparison of whites to African Americans in all three high schools.....</i>	63
	<i>Comparison of whites to Latinos in all three high schools.....</i>	63
5	THE TINSLEY CASE AND FRAMING	66
	<i>I. The Existing Frame: Unveiling the Wizard (Unpacking the Language)</i>	68
	<i>Court Decision</i>	74
	<i>Reframing.....</i>	81
6	INTIMATE COMMUNITIES OR IMPERSONAL ASSOCIATION	88
7	FINAL CONSIDERATIONS	107
	<i>Reflections on Where to Go Next</i>	109
	<i>Generational Help-It’s Democratic</i>	110
	<i>Deficit Thinking</i>	111
	<i>Implications for the Future</i>	114
	Sources Consulted.....	120

LIST OF TABLES AND FIGURES

Tables

Table 4.1	Academic Performance Index and Teacher Information	118
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CHAPTER 1

AN INTRODUCTION TO THE TINSLEY CASE DECISION

According to one of three lead lawyers for the *Tinsley* case, “This was the first time any court found that [voluntary] cross district transfers could be mandatory if needed to establish integrated schools” (e-mail correspondence with Attorney Sid Berlin in 2003). The city in which the *Tinsley* case has its origins was not only the city where I first taught school, it was also the city to which I was brought home as a newborn in 1970. The city of East Palo Alto (EPA) had further personal ties for me as well. In 1993, it was the city in which I located my father and learned that he ran a barbecue restaurant business for nearly the entirety of his ten-year estrangement from my life. With so many personal ties to EPA, I noted in my journal that it was also the city from which I was removed at an early age and for reasons, according to my mom, to “better to secure my future.” With so many inter-relationships at play, I wish to describe for the reader how the evidence, national notions of racial integration, and understandings of school success played themselves out in this specific setting.

The *Tinsley* case was a class-action desegregation lawsuit filed in 1976 on behalf of parents living in East Palo Alto, California (EPA). The plaintiffs claimed their sons and daughters were denied equal access to a quality education. Because of the racial

stratification between EPA and the surrounding cities, this suit became an inter district, school desegregation case. Although various remedies were sought, as described in chapter two of my dissertation, on March 15, 1986, the Superior Court of the State of California, County of San Mateo, issued a Settlement Order. The Settlement Order has three objectives:

to the extent reasonable and feasible, to further equal opportunities for all students in all the respondent districts by (1) reducing minority racial isolation among or between the students of the respondent districts' elementary schools, (2) improving the educational achievement in Ravenswood, and (3) enhancing inter-district cooperative efforts. (*Tinsley v. State of California*)

Three major activities in the Order were: a Voluntary Transfer Plan, a Model Schools Study, and a Ravenswood Improvement Program. The respondents in the Order are: the nine elementary school districts (Belmont, Las Lomas, Menlo Park, Palo Alto, Portola Valley, Redwood City, San Carlos, Woodside, Ravenswood—in the 1991-1992 school-year, Redwood City was no longer required to admit non-district minority students, as the Redwood City District's natural/informal demographic changes had exceeded a 60% minority cap used by the Court to determine integration) that feed into the Sequoia Union High School District, the County Superintendents of Schools of Santa Clara and San Mateo Counties, and the California Department of Education. One of the three outcomes from this Case was the Voluntary Transfer Plan—a cross-district program in place since 1986. This program is the case study for my dissertation research. At the time this Case was filed, EPA was an unincorporated area of the San Mateo County. It is situated just southwest from the southern tip of the San Francisco Bay.

School desegregation gained national attention in 1954 with the *Oliver Brown et al. v. Board of Education of Topeka et al.* case. The class action suit was filed in 1951 in Topeka, Kansas by thirteen parents on behalf of their twenty elementary school-aged

children against the Topeka School Board of Education. The suit called for the reversal of a racial segregation policy that allowed (did not require) school districts to maintain elementary school facilities segregated by race. On May 17, 1954, Chief Justice Earl Warren handed down the 9-0 decision, which stated, “separate educational facilities are inherently unequal”(Brown v. Board of Education, 1954). The court’s decision in the *Brown* case started the momentum needed to desegregate all public facilities; mass level desegregation of public facilities is a result of Title II of the Civil Rights Act, 1964. *De Facto* segregation was the focus in most of the northern United States where busing was established as a solution in 1971 by the *Swann v. Charlotte-Mecklenburg Board of Education* case. Busing across school district lines was rejected in 1974 by the *Milliken v. Bradley* case.

After 1954, school desegregation became a public policy applied by states and local school boards. According to Giles, there are always at least two roles at play in any public policy—that of the participant in the governmental process and that of the subject of the policy output. Most research studies focus on the participant role rather than on the role of the subject. School desegregation, according to Giles, is no different. Less common in research is how families and schools have dealt with the issue of school desegregation and more common is what courts rule, the way a State enforces the ruling, and how legislatures put in place public policies (Giles & Gatlin, 1980). For these reasons, I focus on the role of the subject.

There are different lenses through which one can understand the subject role in school desegregation. This study examines how one group of parents gained compliance using the court system. In Giles’ comprehensive study of the subject role in school desegregation he writes, “The research literature suggests that aside from legal coercion,

four kinds of factors may influence parents' compliance decisions: policy relevant attitudes, perceptions of the policy process, the direct costs of the policy to the individual and the individual's personal resources" (1980, p. 726). In my study, I focus on these factors; more directly, I focus on the direct costs of the policy to the individual and the individual's personal resources while, indirectly, I focus on policy-relevant attitudes and perceptions of the policy process.

Hoping to learn more about cultural shifts in behavior and local community actions as each played out as a direct/indirect result of the *Tinsley* decision, I analyzed the context in which the case took place, some of its key organizers and some of the participants in the transfer program. By reviewing primary and secondary sources, such as the school desegregation literature, school desegregation studies and nine boxes of court documents which include attorney's notes, court documents, newspaper articles, and school board minutes, I chronicle the history that lead up to the Case and the Case itself. I also conducted interviews over a three-year span of time with some of the initial people driving forward the case and some of the very first graduates of the program—all of whom were post-secondary school at the time of these interviews.

Background of the Study

The topic of school desegregation offers abundant research providing a plethora of studies for review. At the University of North Carolina, Chapel Hill, one can type in 'school desegregation and research' and pull up 4,015 journal articles and 27 book listings. Studying the issue of school desegregation, however, from a local perspective or

in the particular is far less common. My research focus is on the particular and this study serves to provide an example of a northern, *de facto* desegregation case and how those impacted by the policy faced issues of compliance. Specifically, I wish to learn how such a public policy is brought to fruition in an area of California perceived to be liberal and progressive. Moreover, how does this area of our country, where the black/white binary is less a quantifiably salient factor than is income, manage issues of disparity? Finally, how does the good of the community compare to the good of the individual in this particular study?

The research for my dissertation topic began in 2003 and has roots that go back ten years when first I was introduced to the class-action law case by Attorney Berlin. At the time I was a kindergarten teacher in a district teaching in the primary grade level from which students were recruited to participate in the Voluntary Transfer Program, I wanted to learn more about this program and the Case from which it arose. As I gained more information about the program, I noted in my personal journal how it and the Case's timing intertwined with my life in a unique way, giving me a particular vantage point for a research study.

Research Method

To approach this study, I use a method situated within a theory known as, Critical Race Theory or CRT. CRT extends a literature base called critical theory. CRT allows for an interdisciplinary analysis that keeps race central. It provides a foundation for a critical review of the social manifestations of racism. More recently, it has evolved to provide this same foundation for the various 'isms' that, as researchers and scholars, we

want first to assert that they exist, and second, work to transform. In the 1970s CRT responded to the whittled down outcomes, slow and eroding progress obtained from more traditional civil rights litigation and provided a lens for critiquing racial reform within the law.

Noted Critical Race Theorist and legal scholar, Matsuda describes CRT in this fashion: “The work of progressive legal scholars of colors who are attempting to develop a jurisprudence that accounts for the role of racism in American law and that work toward the elimination of racism as part of a larger goal of eliminating all forms of subordination” (1989, p. 1331).

Clearly applicable to the field of law and used in critical legal studies, CRT has its foundation in the intersections of various disciplines and theoretical models such as ethnic studies, women’s studies, cultural nationalist paradigms, Marxist and neo-Marxist frameworks and internal colonial models. There are newer intersections as well with Latin American studies, Feminist theory, Native American studies, Asian American studies, and theories of privilege/whiteness/power. These branches of CRT respectively are called, LatCrit, FemCrit, TribCrit, AsianCrit and WhiteCrit scholarship.

Tenets of CRT date back to DuBois’s (1903) paradigm shifting work, *The Souls of Black Folk*. And throughout the 1970s and 1980s, CRT was evidenced in the works of notable authors, like Ralph Ellison and James Baldwin. The first use of CRT in the field of education is the autobiographical article, “From inner city to ivory tower: does my voice matter in the academy” (Tate, W. (1994). One year later, Tate co-authored a second paper entitled, “Toward a critical race theory of education” (Ladson-Billings & Tate, 1995). In 1997, “Images and words that wound: critical race theory, racial stereotyping, and teacher education” was published and became a way of considering labels and terms

used in education and stigmatizing to minority students (Solórzano). A significant acknowledgement of the importance of this scholarship came in 1998 when the *International Journal of Qualitative Studies in Education* devoted a special issue to CRT.

CRT challenges normative standards and grounds its conceptual framework in the experiences of non-whites. It asserts that the “social and experiential context of racial oppression is crucial for understanding racial dynamics, particularly the way that current inequalities are connected to earlier, more overt, practices of racial exclusion” (E. Taylor, 1998, p. 122). It embraces subjectivity and openly acknowledges that truth, fairness and justice are situated in the mindset, status and experience of the assessor.

There are also certain themes specific to CRT. One theme is that racism is a normal fact of life in American society. “Individual racist acts are not isolated instances of bigoted behavior but a reflection of the larger, structural, and institutional fact of white hegemony” (E. Taylor, 1998, p. 122-123). A second important theme is that meritocracy is a myth. “By relying on merit criteria or standards, the dominant group can justify its exclusion of blacks to positions of power, believing in its own neutrality” (E. Taylor, 1998, p. 123). And third that color blindness is also a myth and that this myth in fact is dangerous. “The danger of color blindness is that it allows us to ignore the racial construction of whiteness and reinforces its privileged and oppressive position...by insisting on a rhetoric that disallows reference to race, blacks can no longer name their reality or point out racism” (E. Taylor, 1998, p. 123).

Another important tenet of CRT is a theory that stems from it. Notable Critical Race Theorist, property rights and legal scholar, Derrick Bell coined this theory: interest convergence. Bell asserts that the interests of blacks in achieving racial equality are accommodated by whites only when they converge with the interests of powerful whites.

He goes further to provide historical evidence that white Americans will sacrifice the well being of non-whites for their economic self-interests while sustaining economic and legal structures that promote white privilege (Bell, 2000; E. Taylor, 1998).

Although a theory with much promise and useful contexts for application, it is not without its weaknesses. The main weakness of CRT is not in its constructs, writes Edward Taylor, but “by the degree that many whites will not accept its assumptions; I anticipate critique from both the left and right” (1998, p. 124). This critique is actually a challenge. And so I will use CRT as it gives voice at a time when critical questions about schooling and race must be addressed in new and more assertive ways that challenge norms of equality and put race and its various manifestations at the center. At this time, I must use CRT because it allows me to address the many forms of racism and their intersections, challenge the status quo, and approach research in an interdisciplinary fashion (Solórzano & Yosso, 2001).

CRT is useful to my study because it provides an interdisciplinary foundation—in fact, it offers my particular observations a canon of support, a literary path of trailblazers who help provide my research credence sufficient to be understood as valid and accepted as scholarly if also challenged for its assumptions; put plainly CRT ‘has my back.’ Putting to practice its theoretical premise, I use one of CRT’s methods, the counter-narrative, to frame these findings. The counter-narrative offers a different way of examining a situation from that most generally understood. Through stories, one can challenge the status quo, build consensus, create a communal understanding and describe another way things might appear (Solórzano & Yosso, 2001).

Richard Delgado (1993), a noted Critical Race Theorist, uses counter-storytelling and argues it is both a tool for challenging and analyzing those stories that become a part

of the dominant discourse and a method for telling different stories usually marginalized by the dominant discourse. Delgado writes, “oppressed groups have known instinctively that stories are an essential tool to their own survival and liberation” (1989, p. 2436). Stories are a way to keep intact a society’s mores, folkways and norms, and to create new ones.

Individuals with shared worldviews and experiences usually interpret the same story in similar ways. Individuals with different worldviews and experiences often interpret the same story in very different ways. This simple assertion holds true when using the counter-narrative method. Those who experience life in similar ways, or are similarly positioned, also tend to share similar values and approaches and should recognize a counter-narrative in a similar way. If the given group possesses power in society, this set of shared values and approaches becomes the norm. As in statistics, the norm is that which makes all other findings relative. The normed narrative, then, becomes the dominant narrative with which most people in positions of power or privilege situate their worldview.

In turn, a counter-narrative is simply a story that differs from that norm. Those who experience life in similar ways that differ from the norm also tend to have similar values and approaches. These individuals usually recognize a counter-narrative in a similar way. And, in fact, the hopeful piece of a counter-narrative is that with enough backing and support it replaces the existing normed narrative and itself becomes the norm. Some might misinterpret the new normed narrative as fact or truth. Here I would caution us all, as situatedness and positionality are still at play. And thus, the story told is no more or less real than was the one it replaced—it is simply differently situated. Through its

different vantage point, the counter-narrative can liberate us to consider other possible ways of viewing the world.

Autobiography, if there really is such a thing, is like asking a rabbit to tell us what he looks like hopping through the grasses of the field. How would he know? If we want to hear about the field, on the other hand, no one is in a better circumstance to tell us—so long as we keep in mind that we are missing all those things the rabbit was in no position to observe. (Arthur Golden, 1997, p. 2)

The counter-narrative is much like the autobiography of a researcher—it is an attempt to provide insight to the reader about the researcher's worldview. Research is a subjective act. As mentioned earlier, CRT embraces this subjectivity and recognizes that one's subjectivity is situated by one's positionality. For this reason, research is like the rabbit in the tall grass—where the rabbit is positioned will help determine the research parameters. And like the narrative from a different location, the counter-narrative offers yet another possibility for interpretation.

Participants

I conducted a series of interviews over a three-year span of time. I interviewed all participants at least once and no one individual more than five times. There was a formal interview with eight of the participants in which a recorded rendering helps provide primary source material. In addition to the formal, taped interviews, I spoke with interviewees by phone, in person and by e-mail several times beginning in 2003, with the exception of Attorney Berlin, with whom I began to communicate in 1993 and with whom I continued to communicate until his passing in 2005. I interviewed four Tinsley graduates, two of the three lead attorneys, the named plaintiff, the director of a program that helps to support a college-going culture for many of the Tinsley participants, four members of the community during the 1960s and 1970s era, one recent school board

trustee from the Ravenswood District and one college administrator who guides EPA students to a community college in the area. In total, I interviewed fifteen adult participants.

For reasons of anonymity, I will not divulge specific demographic information about any one of the Tinsley graduates or individuals not already publicly referenced by demographic information and/or publicly identified with the topic. Moreover, to preserve the confidentiality of each participant, I will not describe who made particular quotes unless these quotes (or their spirit) are previously cited in public records. I can tell you that at least one or more of the interviewees is African American, ethnically Jewish, female, male, religiously practicing Judaism, religiously practicing Christianity, non-religious, a college graduate, a high school graduate, from a married family, from a divorced family, middle-income, low-income, a long-time resident of EPA, a long-time resident of one of EPA's neighboring cities. I can also say that all Tinsley graduates interviewed are African American—one is female and the other three are male and all were in college or were recent college graduates. In chapter six, I provide more detail about these participants. In this study, it is my sincere hope to provide detail specific enough to allow for clarity about those interviewed, and yet avoid exposing my participants to generalities or foregone conclusions based on demographic information regarding race, gender, religion, education-level, family structure, economic group. It is my intention, rather, that specific details not be released so as to preserve the privacy of those to whom I promised confidentiality.

A Breakdown by Chapter

In part one, I provide the reader with the recorded facts about the area's history, education underpinnings that pre-date the *Tinsley* case and normed understandings of school desegregation. Chapter two provides the reader with a geo-political understanding of EPA and its history. An introduction to the Case and the voluntary transfer program is the basis for chapter three. Chapter four contextualizes the Case by showing its place among school desegregation studies and school desegregation legal cases and by providing data on the students in the program. These facts in chapter four help address the question of inequality in our public education system. Since 1954 and the country's first federal case to win court support for the overturning of school segregation based on race, *de facto* cases of desegregation have been successfully fought in states throughout the northern US—the *Tinsley* case is but one example.

By recording facts in chapters one through four, I provide the reader a public narrative associated with this case. Namely, that there was an inequality based on race that existed for years among nine school districts. Both white and African American parents got together and, with the help of several lawyers who were members of Rotary, formed a defense by which to sue the districts and their State affiliates on the claim that EPA's sons and daughters were denied equal access to a quality education. After a ten-year court battle, the defendants won their case based on the quantitative facts—EPA's schools were overwhelmingly non-white while the eight surrounding districts were overwhelmingly white.

In part two and the final three chapters of my study, I provide alternative ways to interpret the recorded and unrecorded details of the Case by using a critical race theorist's lens to assess the school desegregation ruling. By using this approach, I found that a quantitative predictor—majority, minority schools vs. majority, majority schools—was

used in the court's final ruling. Here is where I challenge a hidden assumption at work throughout this Case, which asserts that schools with majority non-white students function at a lower scholastic rate than do schools with majority white students and that this difference in functionality is based on race.

Chapter five offers an alternative view of EPA in the early 1970s and situating my personal subjectivity becomes another possible way of interpreting the evidence. In chapter six, I offer specific details about the transfer program from several students who participated in it, graduated from neighboring high schools and went on to college; I situate these personal encounters with the program into a thirty year overview of the physical landscape and cultural impact the Court's decision had on EPA from the early 1970s, when it had yet to be incorporated, through its national scorn for having the nation's highest murder per capita rating in the early 1990s, to its present-day gentrified appeal to Stanford graduate students in need of affordable housing. Like many individuals, I left my familial environment to explore the larger world surrounding me and, through these journeys, learned more about the familial environment to which I would eventually return. In this spirit, I conclude the dissertation with a new theoretical framework through which this Case's impact on some of EPA's residents may be understood. This coming home experience thusly described becomes the thematic core for the research project.

Findings

Are there findings about school desegregation learned in this study that might be used in future studies? I believe the answer to this question is yes. We can certainly learn from this study that in EPA, quantifiable data took precedence over qualitative

results—this finding is consistent with that of one counter-narrative about school desegregation. Another finding is that Tinsley’s Voluntary Transfer Program participants are learning in majority white schooling environments and they are doing marginally better in these environments than are minorities in less majority white schooling environments. Yet I would caution policy makers to heed the warnings evidenced in this case, as well, before using the findings to create a model and replicate it elsewhere. The very premise of qualitative research is to honor the particular time, place and history that intersect to make things what they appear to be. In another place and/or at another time, that intersection is not likely to be the same. For example, when I looked deeper into the research, I learned that statistically and within the same school, the gap in test score results between whites and African Americans was equally as large in both schooling environments. This finding left me to ponder whether the increase in test scores from non-white students at the majority white school had more to do with a higher level of qualified teachers and less to do with racial integration. The finding is explained and detailed in chapter four of my dissertation.

It seems appropriate to state from the onset that this is only the beginning of a research area in serious need of more interested bodies taking on various avenues for study and approach. With less than one handful of dissertations looking into this northern California desegregation class-action suit, I cannot encourage individuals enough to consider the area for their research studies.

With the layers and layers of uncharted territory to cover, my research is both a slice into the Tinsley case participants’ lives and it is a slice into the city in which this Case took place. In no way is this study an exhaustive look into these two issues. No, more importantly, this dissertation serves only to inform the reader about one aspect of

life in East Palo Alto captured through small particulars of this class-action desegregation suit as viewed through the situated lens of my lived experiences, as a woman of color who in 1970 called EPA home.

Beyond my main audience of the dissertation committee, I hope indirectly to speak to future researchers, policymakers, directors and managers of organizations and professionals working on issues related to Court rulings and public policies to desegregate schools.

CHAPTER 2

SETTING THE STAGE FOR THE TINSLEY CASE:

A CITY THAT ALMOST NEVER WAS

In 1865, at the time of the Emancipation Proclamation, African Americans owned 0.5 percent of the total worth of the United States. This statistic is not surprising; most black Americans had been slaves up to that point. However, by 1990, a full 135 years after the abolition of slavery, black Americans owned only a meager 1 percent of total wealth. In other words, almost no progress had been made in terms of property ownership. African Americans may have won “title” to their own bodies and to their labor, but they have gained ownership over little else. — Dalton Conley (p. 25, 1999)

The role of this chapter is to help situate the geo-political subtext for the antecedent to the *Tinsley* case during the era in which the Ravenswood High School was both opened and closed. It also helps provide the reader with the landscape of the city, school attendance boundaries and the socio-economic distinctions between EPA and its neighboring cities.

The East Palo Alto (EPA) area was the first planned community in San Francisco County (in 1857, this County became San Mateo County). In 1849, EPA was founded by Isaiah Woods and began attracting settlers as early as the 1850s because of the mild climate and bay front location. The economic future of the area rested on the Port of Ravenswood, which was intended as a shipping center for goods destined for San

Francisco. A rival port in Redwood City and the completion of a railroad from San Jose—then, the State’s Capital—to San Francisco, however, made the Port of Ravenswood unnecessary, and the hope of a bustling harbor economy died. Over the next century, settlement and abandonment staved off the growth of a unified community identity.

Thwarted attempts to create utopian communities, a brick factory with only one short-lived contract to make bricks used to build the San Francisco Palace Hotel, and more successful poultry and flower growing plots dotted the area and predated a skyrocket in population in the early 1950s. The town’s first one hundred years saw a rocky beginning, as described in the following excerpt:

A number of factors combined to spell the doom of the promising port community. Oakland became the western terminus for the railroad, the trans-bay track was not laid until 60 years later, and the San Francisco-San Jose line was delayed and later bypassed the town. The state capital relocated to Sacramento. Redwood City replaced Ravenswood as the major lumber port on the peninsula. A gold mining slump threw San Francisco into a depression, and Woods San Francisco bank failed in 1855. Legend has it Woods returned to his Woodside Mansion with embezzled funds and, after being forced at gunpoint to return \$80,000 to an irate investor, left the country.

Ravenswood became a ghost town. A half-interest in the port which sold for \$4,000 in the 1850s went for \$150.00 20 years later. By 1870 only foundations and the wharf remained of the original town. Like other parts of San Mateo County, Ravenswood became a destination for picnickers and a weekend country retreat for San Francisco residents. (Rigenhagen, Ravenswood Section, para. 5 & 6)

The post-World War II era brought big change to the town. In 1947 there were 1,500 residents in EPA, by 1952 this figure grew to 6,000 and by 1953—five years prior to the opening of the area’s high school—there were 12,000 residents. (U.S. Department of Commerce, Bureau of Census, 1952, p. 5x-164, 1960 Tracts, p. 15v). Although the increase in population ignited attempts to incorporate as a city, none was successful—

many of EPA's residents did not foresee establishing a permanent residence there and/or identified more with surrounding, incorporated cities such as Menlo Park to its northwest and Palo Alto to its west.

Encroachments on the EPA territory began in 1949 when Menlo Park annexed an area of EPA named Belle Haven—the area's elementary school still preserves this area's name. Menlo Park was successful in acquiring one-quarter of the population and one-quarter of EPA's property value in the first in a series of annexations. Fearing more and more encroachment, by 1958 there was a concerted effort to incorporate. The proponents organized and planned to rally support for incorporation. Their main problem was a lack of sufficient resources to fight the area's largest opposition—the Kavanaugh family. The Kavanaughs owned a significant portion of property in the area and feared incorporation of the city would bring higher taxes to pay for community improvements. A near-successful attempt in early 1958 to incorporate waned with the plan to expand the area's thoroughfare.

The widening of Bayshore Freeway (Highway 101) in the 1950s was a demarcation, if you will, to an area that had distinct geographical boundaries on both the east and west sides of the roadway. Nearly all businesses in EPA lined the old four-lane Bayshore Freeway and cars and pedestrians easily negotiated this permeable divide. Although other towns, cities and small business zones remained intact as the freeway project was made to curve around them, attempts to salvage the commercial area in EPA proved unsuccessful. The California State Planning Commission trudged forward with a plan to increase this thoroughfare by four lanes that would plow through the area displacing fifty-three businesses and leave a mere five remaining. In addition to the destruction done to the area's tax base, the expansion promoted floods and made certain areas less

desirable to both business and residential property developers (*Palo Alto Times*, January 11, 1956).

The inexpensive residential properties encouraged the migration to the area of a new ethnic group. While the homes in the EPA area depreciated in value, Oakland thirty miles north—home to northern California’s largest pocket of African Americans—was hit hard after World War II. There, African Americans recruited from the southern United States to provide labor during the Nation’s war effort were laid off. Many of these African American families with little hope of finding employment in their home states and now more accustomed to a western, middle-class lifestyle, sought to stay in northern California. (Daniels and Olin, 1972). The history of low housing costs and a propensity for whites to prefer Palo Alto to EPA is evidenced in the difference in home prices even today. With more recent gentrification trends experienced in EPA, the pricing difference is still extreme. In 2000, the median value of a home in Palo Alto was \$811,800 and in EPA the median value was \$302,100—more than a half million-dollar difference and with only a freeway as a buffer between the two cities. In fact, one of the most exclusive neighborhoods in all of Palo Alto is juxtaposed with the small portion of EPA that is on the west side of Highway 101. For African Americans seeking new northern California domiciles in the Post-War era, East Palo Alto was an obvious destination. The increasing class and racial differences, however, helped strengthen the boundary between the east and west sides of the freeway. With the exception of a few stray blocks on the west side that experienced flooding and, because of this, lower property values, the Freeway became the segregating edifice to embody the psychological race and class barrier.

Relative to other areas of the nation at the time, the EPA area had a liberal reputation concerning social issues. Although until 1949, there were in place restrictive covenants to prevent African Americans from moving into the area and there were instances of realtors engaged in blockbusting after 1949, there were also in existence liberal organizations to mute attempts at virulent acts of racism. Some of these organizations include the Redwood City and Palo Alto branches of the NAACP, the Palo Alto Fair Play Council, the South Palo Alto Democratic club, and the First Methodist Church of Palo Alto (Lowe, R. 1989). At a time when instances of liberal intervention are readily available, it is also worth noting that the segregation in jobs and the whites' sense of EPA as a transitory location from which to move as soon as opportunity and money afforded—noted by their propensity to rent rather than buy—made the influx of African Americans moving to the area less threatening in the perceptions of whites. Although whites were intent on moving out of the area, African Americans were happy with the prospects of buying a home. Due to a traditional separation in the labor market between jobs available to African Americans and whites and separate social activities, African Americans and whites were not forced to interact. Today, there are small pockets of African Americans living in EPA whose extended families live within one and two blocks from one another (Tinsley, M. Interview, March 11, 2004). A lack of need professionally to commingle or adapt socially to a mutual identity as East Palo Altans began to change in 1958 for both African Americans and whites.

As the 1960s loomed near, ongoing population growth made the opening of a high school imminent. Whites of lesser means remained in EPA, but increasingly defined success by their ability to move west and dissolve any identity with EPA. And yet because of the desirability of the southern San Francisco Bay Area's western peninsula

location, previous EPA residents moved but remained very close by. This steady migration and favoritism for the west side of the Freeway further increased its property value and further engraved the racial divide. Most importantly to this study is that the racialized meaning of this geo-political border helped determine the attendance boundaries of the future Ravenswood High School.

In 1958, the Ravenswood High School opened. Superintendent Rex Turner of the Sequoia Union High School District contended that race was not a factor in their creation of attendance boundaries for the new high school (*Palo Alto Times*, June 12, 1957). And although Ravenswood High School would have a majority white enrollment, it would also include every African American student in the EPA area. The attendance boundaries not only placed all African Americans at the new high school, the altered attendance boundaries changed the racial composition of the existing five high schools in the area. In particular, Menlo-Atherton high school's ethnic make-up changed from about 90% white to 100% white. These changes did not happen without suspicion that *de facto* segregation would be the end result of the attendance boundary change; however, this claim was successfully argued against at Board meetings. And the school and its population ceased to be an issue of consequence until the mid-1960s when two issues prompted the Board to action (Trustees of the Sequoia Union High School District, Minutes Vol. 6, February 6, 1957; Vol. 6, April 3, 1957; Vol. 6, June 26, 1957; Vol. 7, July 24, 1957).

By the mid-1960s, the Board had powerful external motivation for considering school desegregation. First, between 1962 and 1967, there were several racially motivated fights at both Ravenswood and Menlo-Atherton High School and parents demanded the Board do something. Second, the Board, because of its *laissez-faire*

approach to integration and the plans of the newly formed Office for Civil Rights (OCR) to investigate possible violations of segregation laws under the 1964 Civil Rights Act, knew they might face national scrutiny for possible *de facto* segregation. Their second concern came to fruition. In March 1969, the OCR began its investigation. At the beginning of the investigation, Ravenswood High School had an 87% African American population. To emphasize the severity of the investigation, nation-wide Sequoia was only one of eighty-four such district investigations done by the OCR outside the southern United States. In 1969, the school Board voted in favor of an open enrollment plan. Although open enrollment on the heels of a public investigation may appear disingenuous, school buses were made available and so potentially in the coming school year, the high schools could have an entirely different ethnic population. This did not occur. By April, 232 students had applied to leave Ravenswood and only one sought admission. Of the 232 applicants, 170 were African American.

In a petition signed by 103 individuals, it was argued that

the school system is the first step toward total integration of society...and desegregation offers a broader education to every student...and desegregation offers one of the only means to a true and sincere understanding of our fellow men, and segregation is an immoral system which denies students their right to an equal education. (Petitions supporting resolution of San Carlos Elementary School District Board of Trustees, May 18, 1970)

The Board agreed and voted in April to postpone any action and to continue studying alternatives to support desegregation. In support of integration as a moral system, Superintendent Chaffey wrote, “I believe that desegregation, and ultimately integration, is the only hope for our Country. I believe that young people will be able to work out most of the problems if given a fair opportunity” (cited in Lowe, 1989, p. xx).

Sequoia’s new superintendent, however, also feared desegregation would bring about a teacher walkout if some teachers were forced to teach at Ravenswood. In July

1971, he recommended to the Board the closure of Ravenswood as a comprehensive high school. His fears of a walkout were well grounded in a letter from the Sequoia District Teachers Association (SDTA), Superintendent Chaffey summarized:

“The SDTA has already notified the California Teachers Association and the National Education Association to the effect that it considers Ravenswood an undesirable place to teach and, therefore, urges the above organizations to notify placement offices of the conditions. The SDTA has also indicated that it would urge teachers not to accept employment at the school.” (Cited in Lowe, 1989, p. xx).

With district-wide support coming mostly from whites, the trustees voted to keep open the school for at least one more year while it considered alternatives. There was no teacher walkout.

Shortly thereafter, the Board decided to consider four alternatives. They were:

1. close Ravenswood High School
 - a. problem-would create overcrowding in other schools
 - b. problem-East Palo Altans would bear the entire busing burden (this went against the Civil Rights Act, as well)
2. create two ninth grade schools and four senior high schools
 - a. problem-difficult to maintain sequential curricula
 - b. problem-ninth graders would be deprived of competitive sports and older role models
3. reassign students randomly within all six area high schools
 - a. problem-whites would not want to attend school in EPA
 - b. problem-resistance loomed largest and was best organized in Belmont where the most affluent of the region lived and where neighborhood schools were most supported
4. redraw attendance boundaries and reestablish neighborhood schools
 - a. problem-neighborhood schools would mean the next most affluent and also well-organized regions—Atherton and the exclusive area of Palo

Alto—would see district boundaries drawn large enough to include them within the attendance boundaries of Ravenswood High School

African American residents of EPA called for an increase to the Ravenswood attendance zone, which would both keep open the high school and desegregate its student population. This action, however, would leave affluent whites with the burden of busing to and attending school in EPA—both viewed as undesirable by the more powerful and politically astute white community. African Americans used their political voice to put into office two new school board trustees and both new members opposed the closing of Ravenswood. There were African Americans in EPA who favored their children attending the District's other five high schools. Yet, I find there were others for whom improvement to the existing curriculum at Ravenswood and a vested effort to desegregate by race and class the existing high school was more desirable (Trustees of the Sequoia Union High School District, Minutes Vol. 8, April 25, 1962). There were still others in EPA for whom none of these options seemed viable.

Throughout these exchanges voices of African Americans who favored keeping open Ravenswood High School became fewer and fewer. For these families, an alternative included the founding of a private school. In my interview with the prior principal of Nairobi Day School, Bob Hoover, I asked him about the near invisibility of the African American voice in the later Board minutes. Mr. Hoover explained that the African American community who supported self-sustaining, local ways to keep alive an African American community identity within EPA “had given up on the whites to do this for us a long time ago” (Hoover, B interview on July 22, 2005 in East Palo Alto, CA). He shared with me that they “went underground and planned to take matters into their own hands”(B. Hoover personal communication, Hoover, B interview on July 22, 2005 in East

Palo Alto, CA). This action evolved into the Day School over which Hoover was hired as principal in 1966.

In 1969 and led by an African American EPA resident whose son graduated from Ravenswood High School unable to read, a group of parents opened up a full-time school for elementary and high school students. From 1969 until its closure in 1984 due to funding difficulties, Nairobi Day School consistently served some 50-elementary-school aged students and 30 high-school-aged students each year. Although it was a private school, 80% of the students received financial assistance. Committed to students' academic success, Nairobi offered a money-back guarantee to parents if their child did not learn to read at grade level—no refund requests were ever made in the school's fifteen years of operation. The name as well as the school's philosophy was Afro-centric while many of the school's volunteer tutors were white. For this reason and to help educate the entire family in a philosophy rooted in African culture, the "Nairobi Method" was taught during workshops. Among the white volunteers, there was a dropout rate of about half during the six workshops required to become a Nairobi tutor. The Afro-centric focus is evidenced by one of the school's frequent visitors, Stokely Carmichael (a.k.a. Kwame Ture) who at the time of his visits was the Student Nonviolent Coordinating Committee (SNCC) President (Hoover, 1992).

This private school serving some 80 students per year could help EPA preserve a local identity but did not represent the sole voice of the city nor was it well enough equipped to provide a refuge for all the students of the area. So for the majority of the students in EPA, a public school education was more desirable and feasible. The majority of the African American residents supported leaving Ravenswood High open and improving the curriculum and faculty. The affluent whites in the surrounding

community supported leaving the school open and having either open enrollment or, in the most northern stretches of the District, neighborhood schools. No determination was finalized, however, as the Board received news on June 20, 1970 that they indeed were in violation of the Civil Rights Act of 1964 (Office of Civil Rights, Department of Health, Education, and Welfare, 1970).

According to the National Center for Policy Review, the OCR used six criteria to determine whether or not a school board was in violation of the Civil Rights Act: “student assignment and attendance zone policies, site selection for building schools, over- and under-utilization of facilities, inferior educational services at certain schools, rescission of desegregation plans, and teacher assignment policies” (Office of Civil Rights, n.d.). The OCR found Sequoia in violation of all but one: “rescission of desegregation plans” (Office of Civil Rights, n.d.). Their demand was that the district be fully desegregated by September 1970 or face the loss of federal funding. The Board voted to desegregate all six schools and have no more than a 25% minority population at each high school but they doubted their ability to bring to fruition this lofty goal in less than three months time. The opposition by wealthy whites was made clear and plans were to voice these complaints at the upcoming Board meeting. Before this could occur, however, then Governor Ronald Reagan and his handpicked State Board of Education representatives took out of the guidelines any district’s right to enforce busing as a means to achieve racial integration. This rule would make the busing mandate null and void. However, the Trustees hoped to get to the level of desegregation voted on by the Board through a voluntary plan.

The voluntary plan on its surface appeared to be the most democratic—no school would be forced to close; individuals could transfer if they chose; and if not enough

students volunteered to transfer, students would be randomly chosen. This reduction, however, would most greatly impact the minority students at Ravenswood who would be most disrupted and bear the burden of volunteering to transfer. Then, of course there was the history of previous open enrollment attempts, which had failed. What would make this plan any different? The plan this time was to make Ravenswood more appealing to the white, liberal student and less appealing to the African American student by ‘whitening’ the curriculum. Although there were incentives like African American-oriented courses and cultural programs offered in schools in the surrounding districts, the majority of the enticements were needed and put in place in Ravenswood where the sell was much more difficult and the need to increase enrollment greatest. For this reason, RHS became a magnet school offering such courses as non-Euclidean geometry, rock climbing, stellar astronomy, electronic music, atomic physics, cartooning, Shakespeare, Hebrew, Russian, Swahili, Chinese, Latin and organic gardening. By the second year, the infusion of new classes and aggressive recruitment efforts paid off only partially. The new RHS magnet had a total of 415 white transfer students, while 801 African Americans chose to attend schools outside the district. By the 1974-75 school year, the magnet school’s enticement efforts were even less successful, as white transfer rates waned. Most attribute this decline in the transfer rate of whites into RHS to the changing racial balance of the school—by 1974, RHS had become 59% African American (Voluntary Transfer Statistics, 1973, 72-73). Overall, however, district-wide enrollments were on the decline and the District faced a potential financial crisis if they did not close down one of the high schools. The decision to close Ravenswood was an easy one as this had all along been the school with the least amount of neighborhood support from the white affluent community who had the resources and a more stable population to fight to keep

open their neighborhood schools. As mentioned earlier, those East Palo Altans with perhaps more savvy and clout had already created a private school and withdrawn their attention from the public school battle.

With the closure of Ravenswood in 1976, any promise for an equitable exchange of resources across the freeway divide ceased with it. No longer with a physical edifice to which to direct concerns about a quality education for EPA's families on the eastside of the freeway and now with youth from the community spread throughout five high schools, parents found it difficult to organize around unifying concerns. Any concerted effort to collaborate and actively seek out remedies to educational inequality would need to begin with a list of priorities and parents willing to go to bat for other people's children before doing battle for their own.

Concerns by African Americans living in EPA who wanted to have a school in their community had their sentiments expressed during the fall Board meeting in the following quote:

The entire situation generated by the school closure proposal is a spectacle of the tyranny of majority rule in the hands of unconscionable community leaders. Constituting only a small portion of the voters [sic] taxable wealth of the District, this community continually has been subject to arbitrary and capricious actions of the Sequoia District. The closing of Ravenswood is yet another example.

We hope that the Sequoia Board realizes that it cannot continue to frustrate the participation of this community in decisions which affect them lest such continual aggravation have disastrous effects on us all. (Un-named Ravenswood City School District Board Trustee, SUHSD minutes, September 25, 1975, inserted between pp. 82 and 83).

The years between 1962 and 1976 brought to the forefront one driving concern: what to do about the shifting racial imbalance and declining enrollment rates at Ravenswood High School—as in 1958 at the school's opening, concerns about attendance boundaries were again raised by 1970. Although the lofty voluntary transfer

plan had some impact, this shift in enrollment was only partially helpful. The eminent decline in over-all district enrollment meant one of the schools would be closed. Prior to the pricey magnet enticement curriculum, put in place in the early 1970s, Ravenswood had five times more remedial classes, offered only one advanced math class, had only one section of algebra II, which overlapped with other needed courses and lacked the substantial enrichment courses available to students at the District's other five high school campuses. In addition, Ravenswood's dropout rates were nearly three times higher—one might argue this was a partial result of paltry course offerings. One might also conclude dropouts were pushed out of their schools through historical practices of expulsion and academic ability grouping of African Americans (Fine, 1991).

The school board's attempts at impartiality by not intervening to impede segregation encroaching on the district, helped galvanize protest in EPA. Like color-blind proponents today, trustees viewed race-conscious policy as a violation of equal rights for all. Because of racism, their inertia allowed for inequality in curricular options between those schools attended by majority African American students and schools attended by majority white students to continue. Over the next several years, and mirrored nationwide through Civil Rights struggles such as the National Farm Workers Association in 1962, Freedom Summer in 1964, the Voting Rights Act of 1965, and continuing issues of inequality such as the Chicana Feminist movement in 1970, *Roe v. Wade* in 1973 and the Housing and Community Development Act of 1974, various forms of inequality gained national attention. By 1976 and the closure of the Ravenswood High School, some EPA parents had sought out alternative paths to educate their children.

Another alternative chosen by some parents was to fight in court for their right to an equal education in the public school system—this legal struggle became the *Tinsley case* and the history of this case is fully developed in chapter three.

CHAPTER 3

THE TINSLEY CASE

Racism must be understood to be a nexus of material relations within which social and discursive practices perpetuate oppressive power relations between populations presumed to be essentially different. These practices need not be intended, because unintended actions—and even those intended to be antiracist—can have racist and racializing effects. (Harrison, 1995, p. 65)

This chapter describes one path taken by a group of parents insistent upon finding quality educational opportunities for their children. From their insistence, a long court battle ensued. The lawsuit alleging that unconstitutional segregation existed in all the school districts from Palo Alto to San Carlos, California dates back to 1976. The courts took ten years to reach a final decision. The *Tinsley* case, as it became known, involved a group of parents—both African American and white—who took action after several racially motivated fights among students at Menlo-Atherton High School (MA) occurred. Some of the students involved in the fights were from East Palo Alto and were bused to the neighboring school, MA. As explored in chapter two, there exists a history of racial and economic imbalance in the area that predates these skirmishes—perhaps these inequalities and the newness of forced racial and class integration was an impetus to hostility. So why did some parents fight so hard, even breaking the law, to have their children attend schools where racially motivated violence was frequent, schools lacked

African American teachers and the burden of transportation fell on the backs of their children?

While it may appear from the racially motivated student fights, transportation burdens, the protests to the RHS closure, and actions taken by the Board racially to integrate the high school, that EPA families would wish to remain in their neighborhood schools as long as was possible. After all, there were still K-8 schools in EPA to attend. There is a long history to why schools in affluent areas are better funded and thus better able to make school improvements, sustain under-enrolled elective classes and recruit and retain highly qualified teachers. The funding source for local school districts throughout the 1960s and early 1970s in California was the collection of local property taxes—thus in areas where properties were worth more money, more taxes were collected and more money went to their district schools. While more taxes were collected in these areas, a lower tax rate was possible. For low income and inner city areas, a higher tax rate was necessary to collect the same amount of money needed to fund services such as schools. The California Supreme Court rulings in *Serrano v. Priest*, 5 Cal.3d 584 (1971) (Serrano I); *Serrano v. Priest*, 18 Cal.3d 728 (1976) (Serrano II); *Serrano v. Priest*, 20 Cal.3d 25 (1977) (Serrano III) found that a property-tax based finance system for schools was unconstitutional. The courts ruled that California must make the distribution of property tax revenue more equitable. The state legislature responded to the court's mandate to equalize the distribution problem by capping the rate of local revenue from property tax a school district was allowed to receive. The excess was then distributed to the poorer school districts—this decision in time may have greatly reduced the inequality between California's public school districts. Homeowners, however, in affluent communities contested the newly structured distribution of property tax revenue, as they felt their

monies were unfairly used in school districts where their children did not directly benefit from the school district's improvements. As the affluent home-owning segment of California was growing increasingly frustrated with the property tax distribution policy, California's population was expanding at an alarming rate. Between 1950 and 2000, the State of California tripled in population. In 1950, the state's population was 10,586,223, but in 2000 it was 33,871,648 (an increase of 23,285,425 people). The state's increasing population increased demand for housing, which resulted in higher property values and higher property taxes through the mid-1970s. Those on fixed incomes were hit particularly hard. In tandem, the swift increase in property values and property taxes, along with increasing frustration among the affluent homeowners and those on fixed incomes with the new way of distributing funds to school districts encouraged the frustrated parties to join forces to create proposition 13.

Proposition 13—a ballot initiative to amend California's state constitution—was enacted on June 6, 1978 by California's voters. In 1992, it was upheld as constitutional by the US Supreme Court (*Nordlinger v. Hahn*). Under proposition 13,

real estate tax on a parcel of residential property is limited to 1% of its assessed value, until the property is resold. This "assessed value", however, may only be increased by a maximum of 2% per year. If the property's market value increases rapidly (values of many detached dwellings in California have appreciated at annual rates averaging more than 10% over the course of several years) or if inflation exceeds 2% (common), the differential between the owner's taxes and the taxes a new owner would have to pay can become quite large. The property may be reassessed under certain conditions, when additions or new construction occur; the assessed value is also subject to reduction if the value of the house declines, but this is rare. (Wikipedia)

The decade in which proposition 13 became law (now article 13A of the California state constitution), the state's population rose from 19,971,069 (1970) to 23,667,764 (1980)—an increase of 3,696,695 people—the population jump created a need for more housing and a significant increase to property values (wikipedia). Yet, few were willing to sell

their homes, proposition 13 presented a disincentive to sellers. As the sale meant a homeowner's future home would be assessed at current market value—the property tax increase dissuaded many homeowners from selling while it encouraged the building of unwarranted additions.

It was eminent that as California's need for housing grew, an increase in urban sprawl was likely. Post-proposition 13, homebuyers must look further and further away from metropolitan areas to purchase homes, which causes longer and longer commute time to work. And while homeowners in metropolitan areas retire, they remain in their homes; yet their interest in the school systems there becomes secondary to the rising costs of elder health care and those needs associated with an aging and retired population. So what you saw during the 1970s and 1980s was a need to improve the schools in a more equitable manner, the burden of funding schools and other services in low-income and urban areas, buttressed with increases in property values, a cap on property taxes and a need for more homes—all contributing factors to the growing gap between the distribution of wealth and school district resources.

Since 1978 and the passage of the proposition which stifled property tax expenditures for schools, revenue to sustain schools has become more and more disproportioned. Just less than 25% of the five-decade long population increase happened between 1980 and 1990—the decade after proposition 13 passed into law. Between 1980 and 1990, California saw its biggest population increase of 6,092,257. Yet since 1978, when residents in affluent areas wish to see local improvements, they seek out voter approval for special assessments to levy new taxes earmarked for services, such as local school improvements. In an area where residential turnover is high, rental property is common and absentee landowners perceive no incentive to a self-imposed tax

hike, EPA schools fall further and further into disrepair. The state—backed by the support of 65% of those who voted in favor of proposition 13 (with only 70% of the state’s registered voters participating in that vote)—attempts to hold accountable local governments for school success by assuming they will levy new taxes and earmark these in appropriate ways. Because of the inequality in homeownership and caps on property taxes, this local authority to levy taxes helps ensure a quality education is more readily obtainable outside of EPA and in affluent surrounding communities. Also, ensured by the passage of proposition 13 was the renewed focus of affluent communities on the importance of school attendance boundaries—after all, if a local tax assessment is voted on and the monies raised thereafter are to pay for improvements to schools attended by their children, they want to ensure that only their children are benefited by the additional funds raised. The notion of limiting access of a quality education to those living in more affluent neighborhoods by having school attendance boundaries makes the pursuit of a quality education more difficult for EPA residents and, because it is illegal to falsify one’s home address on school forms, potentially a violation of the law. Because the significance of school attendance boundaries was refined and legislative barriers made it more difficult for EPA’s school district to secure needed funding to support a quality education, some parents went underground. In order to obtain their equal right to a quality education, these parents went to some fairly extreme measures such as falsifying documents, relocating their children to homes of family and friends whose addresses were within the attendance boundaries of the affluent school districts and teaching their young children to lie about their home address (Tinsley, personal communication, March 11, 2004). As early as 1966, according to Attorney Robertson, the entirety of these

drastic, creative and illegal measures to ensure a quality education for their children became known as the “sneak out program” (as cited in Robertson, 2002, p 118).

Sneaking Out & Getting Over the Boundary of Race and Class Difference

Although the sneak out program began in earnest in 1966, over the years more parents had grown skeptical of the Sequoia School Board’s motives. Other parents doubted the Board’s ability to actively fight and win any resolution that called for the disbandment of school districts and the dismantling of attendance boundaries. For a short period of time and directly before the closure of RHS, a legal way to attend schools outside one’s own attendance area did exist. This was accomplished in 1971 by establishing RHS as a magnet school. The intent of the magnet school remedy was to desegregate the high schools. It emphasized ways to entice whites to RHS through elective courses and college prerequisite classes. Yet, as discussed in chapter one, the overall white transfer population at RHS had waned by the 1974-1975 school year—in 1974, RHS was 59% African American (Voluntary Transfer Statistics (p. 72-73). Also in 1974, RHS, a school with a student capacity of 1200, had reached an all time low of 823 students. This decline at RHS mirrored a decline in overall district enrollment forcing the district’s decision to close one of the six high schools—for reasons already detailed, RHS had long been first on the list of schools to close.

With the closure of RHS in 1976, all promise for an equitable exchange of resources across the freeway divide ceased. There would no longer exist a physical edifice at which to direct concerns about a quality education for EPA’s families on the eastside of the freeway. Furthermore, any concerted effort to collaborate and actively seek out remedies to educational inequality were made increasingly more difficult after

the high school closure because RHS students were divided and bused to at least five different neighboring high schools. Concerns about the closure are clearly captured by the following quote:

The entire situation generated by the school closure proposal is a spectacle of the tyranny of majority rule in the hands of unconscionable community leaders. Constituting only a small portion of the voters [sic] taxable wealth of the District, this community continually has been subject to arbitrary and capricious actions of the Sequoia District. The closing of Ravenswood is yet another example.

We hope that the Sequoia Board realizes that it cannot continue to frustrate the participation of this community in decisions which affect them lest such continual aggravation have disastrous effects on us all. (Sequoia Union High School District (1975), [Ravenswood Elementary School Board Member (unnamed)])

On the heels of these concerns, and in the first year after RHS's closure, came the passage of proposition 13. With all this change and its negative consequences to the children of EPA residents, a group of parents opted to attempt to make a positive change using the court system.

The Faces of the Tinsley case

Parents both African American and white (the majority of the parents were white and resided in Palo Alto—labeled 'liberal' in the literature of the time) argued that their children suffered because even though the high schools were forced to desegregate, the Peninsula's elementary schools effectively remained segregated. A lawsuit was filed against the state and nine Peninsula school districts: Palo Alto Unified, located in Santa Clara County and eight elementary districts located in San Mateo County, including Ravenswood, which feeds into the high school district of Sequoia and is the only K-8 district located in EPA.

East Palo Alto and Palo Alto parents first organized in the late 1960s under the name Midpeninsula Task Force for Integrated Education to voice their concerns about early talks of a school closure. Mrs. Margaret Tinsley, an East Palo Alto parent whose two daughters, Karen and Valerie, attended M.A. became the named plaintiff. As relayed to me by two of the three lawyers, Mrs. Tinsley became the spokeswoman because she was a mild-mannered, church-going, married, home-owning African American—in their eyes, a model parent and representative of East Palo Alto.

Along with the Midpeninsula Task Force, consisting of approximately 33 parents, the *Tinsley* case was the culmination of years of work by three lawyers: Jerry Marer, Sid Berlin and Jack Robertson. The lawyers knew each other through their Rotary affiliation. All three men have since passed. Attorney Jack Robertson passed on August 13, 2002 at the age of 85 and prior to my having an opportunity to interview him. He did, however, write a book about the case, which I have read and cited in some of this text. And Attorney Jerry Marer passed on September 30, 2003, one month after my final interview with him. He was 75 years old. Shortly before his death, he legally signed over to me (with Attorney Sid Berlin's consent) rights to and possession of all his existing legal documents regarding the *Tinsley* case. Attorney Sid Berlin, whom I had several opportunities to interview, passed on June 26, 2005 at the age of 78. I first interviewed Berlin on August 13, 2003 at his home in Northern California. One year later, he was ailing in health due to diabetes-related complications and expressed this to me during a phone conversation on December 9, 2004. Berlin was involved in previous lawsuits seeking integration in Northern California high schools. Robertson had been on the Sequoia School Board in the late 1960s and early 1970s and was the school board's sole proponent of mandatory busing for white students to RHS. Both Robertson and Marer

were members of the Ravenswood City School Board in the 1970s and both men remained active participants in the goings-on of the Ravenswood District until their deaths. In fact and into the 1990s, the Mid-Peninsula Task Force held many of its meetings at the home of Marer and Robertson sat on the Task Force's Board.

Goals and Unintended Consequences

According to my interview with Marer (Jerry Marer, personal communication, August 19, 2003), the original goal of Tinsley was a court-ordered merger of Ravenswood and surrounding elementary school districts. As suggested in chapter two, such a merger may have had two results. First, it would increase the pool of students enrolling in the Ravenswood City School District (RCSD) by widening attendance boundaries. Second, it would have shared the wealth of resources available in the affluent school districts with the EPA student population—thereby improving academic preparation and potentially encouraging all students to attend high school and persist through to completion. Concerned ultimately by the potential negative consequence this would have on school boards, trustees in EPA were not in favor of a district merger. The district merger for this reason never stood a chance in the court; as Judge Lanam commented later, the districts instructed their lawyers “to fight it to the last ounce of their blood” (as cited in Robertson, 2002, p 118).

In 1986 and ten years after filing the law-suit, the plaintiffs agreed to settle because they thought the children could not afford to wait any longer for the battle to play out in court. The final settlement was recorded in 1987 and had three main goals: to increase the number of minority students in the eight mostly white school districts; to improve the

educational standards of the RCSD; and to increase the inter-district cooperation between Ravenswood and the other nine districts.

Far from the district merger proposed, the settlement allows EPA's young people to bear the burden of integration. In addition to being dislocated from their community, the kindergarten, first and second graders were sprinkled throughout the affluent districts and became a minority in the majority white district—the Palo Alto district, for example, serves approximately 10,000 students; the introduction of 60 non-district students per year is negligible. The minority students were never intended to be a majority population in any one of the school sites—based on enrollment, there is a cap on the number of minority students who can attend any given school in the district; sometimes exceptions are made for siblings. According to the settlement order, “One district, Redwood City (in 1991-1992), has achieved a minority enrollment exceeding 60%, thereby, according to the Order, exempting the district from accepting additional transfer students” (2003-2004 Settlement Order Report, p. 2). The second goal, to improve educational standards in the EPA district would prove difficult with a decrease in funding. According to Ravenswood's Superintendent, Charlie Mae Knight,

the district receives about \$3,800 per enrolled student, money it loses for each student who opts for the Tinsley program. Under special legislation, the district is reimbursed a fraction of that amount—about \$500—for every Tinsley student. (Breitrose, 1998, p. 31)

In a district serving the most economically challenged, transient student population on the Peninsula—Ravenswood City School District is one of very few Title I districts in the nation; Palo Alto is a basic aid district—taking money away from Ravenswood while asking the District to make improvements seems unconscionable. With the residual effects of dueling it out for ten years in the courts, the third goal of the settlement—a call

for inter-district cooperation—was a somewhat lofty one, as well. During the 1993 to 1996 school years, I taught kindergarten and first grade in the Ravenswood City Elementary School District. After learning about the voluntary transfer program at a non-school related luncheon, I inquired about it at the school where I taught. I was told by the school’s leadership not to discuss the transfer options available with the parents of the kindergarten and first-grade children in my classroom.

The ruling was that “to the extent reasonable and feasible, to further equal opportunities for all students in all respondent districts by...reducing minority racial isolation among or between the students of the respondent districts’ elementary schools” (as cited in Robertson, 2002, pp 121). This was interpreted to mean that minority students could transfer out of the Ravenswood district to one of the seven previously mentioned districts and non-minority students from the seven districts could transfer to Ravenswood. This program proved to be the best managed and most sustainable of the three goals. It was, however, not without its drawbacks.

A commonly held belief by the administration in the affluent districts was that Ravenswood students transferring later than the end of their second-grade year academically were too far behind their non-Ravenswood district counter-parts to catch up. One study found that if desegregation is to impact African Americans’ attitudes about mobility in a positive fashion as relative to segregated African American students, it must happen early in their schooling experiences—this study states only earlier than their junior year in high school and does not expressly state how ‘earlier’ is defined. However, there is an implication that the earlier this happens, the more improved are the attitudes about mobility. “We might say that there is an economy of scale to desegregation; in strictly utilitarian terms, its benefits will be enhanced by its occurring

early in the schooling experience. If it is not implemented until late in the schooling process, its benefits (at least as indicated by factors related to social mobility) will be marginal” (Falk, 1978, p. 141). This notion of getting an early start proved minimally accurate academically for Tinsley students, as scores years later are higher among the Tinsley minority students when compared to non-Tinsley minority students at other schools (described in greater detail in chapter four). And, yet, having gone to school with non-minority students for at least eleven of their thirteen years of schooling has not put them on par with their fellow classmates. In fact in a 1998 article, scores from Tinsley students were still far behind those of their classmates—thus the receiving schools did only marginally better in educating the Tinsley students (Breitrose, 1998, p. 28).

According to local newspapers and sixteen years after the court’s verdict, the lawyers were proud of what the *Tinsley* case meant to the children who transferred out of Ravenswood. In 2000, 60 percent of the Tinsley students attending school in Palo Alto, Portola Valley and other surrounding districts reported scores at or above grade level on the state’s standardized tests in every subject. Yet according to deputy superintendent of Palo Alto schools, Pat Einfalt, who attended every court hearing, it is still not certain whether the program is successful. Einfalt asks,

“Is it successful? That’s the piece that no one can answer for you...People assumed it was going to be a transient group of people, but that hasn’t been the case...I think it’s choice at its optimum. I think it’s a big decision for a family that they’re going to put that child on a bus” (In E. Lorenz, 1998, p. 29).

Einfalt’s quote begs the question, can one measure the success of such a decision? Desegregation proponents have long measured success as equal access. Are there certain unintended consequences that arise from this measurement of success given the historical context of racism in the United States? Is it possible, as the opening quote suggests, that

“oppressive power relations between populations presumed to be essentially different” are not resolved using quantifiable measures and legal rulings? (Harrison, 1995, p. 65). In the next chapter, I review a set of desegregation cases and ask of these cases a question, how is success being defined—is success defined by equal access and choice or is it defined by equal opportunity and outcomes?

CHAPTER 4

LIMITATION TO EQUALITY IN PUBLIC SCHOOLS

This chapter examines school desegregation and its inability to remedy a much larger problem—racial equity and social justice. By reviewing several school desegregation studies and legal cases, we broaden the context in which *Tinsley* took place. I also use these reviews to revisit the objectives of school desegregation and rethink definitions of success. As detailed in chapter three, legal rulings to desegregate schools assumed racial integration was a remedy to unequal educational opportunity. As described in chapter three, a hidden assumption rested with the *Tinsley* ruling—white majority schools offered non-white students equal access to success. First, I wish to explore how one canon of thought about school desegregation has situated our understandings of racial equality since *Brown*. Later in this chapter, I will explore studies that contradict this understanding of school desegregation and place these into the context of Critical Race Theory. Finally, I will end this chapter with an application component to test whether *Tinsley* is an example of a desegregation program that remedies unequal educational opportunity.

A White-streamed Understanding of School Desegregation

Since Reconstruction, there has been a widely held belief that providing education for African Americans would be the surest and most effective way of eventually attaining parity with white Americans. This view is so pervasive as to transcend racial, ideological, and social class lines. This view becomes the white-streamed story of school desegregation.

In the 52 years since the *Brown* ruling, there have been many studies about the outcomes from the now famous case—mainly these studies approach the topic from different angles and yet ask the same question, are schools more racially egalitarian places to learn post-*Brown*? Some who approach such research might question the tools used to measure equality. Other researchers are concerned with the researcher and her/his cultural competency to perform the assessment (Bell, Bouie & Baldwin, 1990; { Kilson, 1969; Merton, 1972). Who designs the tools for measurement and against what previous time in history are the current scores measured are also ways researchers approach their topic (Giles, 1974). How culturally astute is the researcher who conducts the study—did she/he have a culturally sensitive methodology for collecting the data? All these are questions driving the plethora of studies that make up the white-stream consciousness surrounding school desegregation.

Some conclude with a sense of tempered satisfaction that the outcomes observed are equalizing racial inequality (Smith, 1975). Other researchers express concern that although African American and white students are not equally performing on standardized tests at least the majority of African Americans are outperforming other African Americans who are in more segregated schools (Hunt, 1977). In fact, there are researchers who argue that until recently, we were still experiencing the residuals of a

segregated schooling system in our 'second generation' student—thusly labeled, this generation of students was considered still too close to the previous generation who had experienced segregation for an accurate assessment (Carter, 1982). Here I provide an overview of how these studies all come to a similar conclusion—because of school desegregation, African Americans are more equal in educational attainment to their white peers than they were in segregated schools.

The Coleman Report found that disadvantaged African American students learn better in racially integrated schools. Using data from 600,000 teachers and students, researchers found that academic achievement was related to the social composition of the school. The report concluded that if the majority of the school was white, African Americans would have higher test scores (Coleman, 1966).

One year after the Coleman Report was released, a second report was completed and the reanalysis of the data found there was indeed evidence for the findings that school desegregation has a positive impact on African American students (U.S. Commission on Civil Rights, 1967). The contention that school desegregation had adverse affects on white students in the southeastern area of the United States is not corroborated by findings in the 1967 study. In fact, there was evidence to suggest white students were affected in a positive manner (Williams & Venditti, 1969).

The next study I found provides evidence to suggest one long-term benefit of school desegregation is helping African American students feel included in areas of American life. These authors found that school desegregation is the key for African Americans wanting fuller participation in society (Dawkins & Braddock, 1994).

The Bankston and Caldas study also concurs with the Coleman Report. Their findings, however, add to the canon one additional finding that both whites and African

Americans are negatively affected by the concentration of minorities in a given school (Bankston & Caldas, 1996).

The final study I found, which supports the white-stream consciousness surrounding school desegregation concurs that school desegregation has a positive long-term effect on African American students and yet questions if this same positive impact exists on a short-term basis (Mickelson & Heath, 1999).

The Supreme Court's ruling in 1954 was partially based on studies showing that segregated school systems were detrimental to the psychological development of African American children. The Court pronounced that, "Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system" (*Brown v. Board of Education*, 1954).

Researchers find evidence that resegregation occurs especially in areas of the country with large influxes of growth (Anyon, 1997). Other researchers are broadening the context of resegregation to include district-to-district resegregation (Di Bona, 1988; Fairlie, 2002). These researchers tend to conclude school desegregation is not enforceable as long as families with upward mobility can relocate to areas where a minority population is low. This pattern is inferred by studies using housing values and gross rents to show increased demands for housing in areas where minorities make up a small percentage of the school's overall population (Clotfelter, 1975).

Several researchers have argued for new theories to understand the fact that whites resist desegregation. These researchers suggest whites show their resistance to integration by leaving desegregated schools. This exodus is called white flight. Some white flight researchers have added to their argument a caveat and theory of their own.

This theory, called the tipping point, asserts that as long as whites remain a majority population within a school that massive white flight to private and suburban schools is not probable. Mainly quantitative in methodology, these studies suggest that whites do not leave a school until a quantifiable level of desegregation occurs (Clotfelter, 1976).

Other studies look at desegregation from a more local lens and suggest that by focusing attention on desegregation from a more specific, contained environment, one learns there are both inter-group gains and intra-group gains from school desegregation (Longshore & Prager, 1985).

Segregation by some is thought to be more detrimental than is the loss in educational achievement experienced by some integrated African American students. They argue that African Americans and whites are both benefited by school desegregation. "Civil rights lawyers went so far as to argue that racially balanced schools were preferable even if the black children were doing less well academically than they had in segregated facilities"(Bell, 2000, p. 293).

Through our education system, redemption for racism, discrimination and segregation has been sought and instances of school desegregation are studied based on this understanding of racial equity. While some authors strongly favor the law to affect individual morality in support of equal educational opportunities among African Americans and whites (Smith, 1975), some researchers view the law as the one supreme being who can remedy racial segregation (Hankins, 1989). There are others, however, for whom the law is only a partial beginning to the real work of social reform necessary to infuse racial equity into our society (Noguera, 2003).

A Non-white-streamed Understanding of School Desegregation

“If I had to prepare *Brown* today, instead of looking principally to the social scientists to demonstrate the adverse consequences of segregation, I would seek to recruit educators to formulate a concrete definition of the meaning of equality in education, and I would base my argument on that definition and seek to persuade the Court that equal education in its constitutional dimensions must, at the very least, conform to the contours of equal education as defined by the educators.” — Judge Robert L. Carter (as cited in Bell, 2000, p. 290)

This lament by Carter is cause for many educators and social scientists now to begin studying and compiling data on the instances of success and growing evidence of effective schools in non-white, low-income areas (Bell, 2000). What many of these studies find is that African Americans were learning the skills needed within a segregated society to sustain gainful employment, contribute to their local community and provide for their family. What in fact caused the change from a high quality of educational opportunity afforded African Americans in segregated schools were the tensions felt by lower-income whites that recognized integration as a threat to their livelihood (Folmsbee, 1949). As this tension grew so did racial hostility toward African Americans so much so that the concerns expressed in *Plessy v. Ferguson*—separate but equal—were contested in 1954 on the grounds that racially separate schools could not be equal.

Since 1957, when nine African American teenaged high school students entered Central High School in Little Rock, Arkansas and left at the end of that first school year to return to an all-black high school, the focus has been on a white-stream understanding of what desegregation was intended to accomplish and is currently struggling to achieve. However, far less attention is paid to a black-stream understanding of what desegregation was intended—and is now struggling—to accomplish. There are studies suggesting African-Americans experience psychological duress when placed in a desegregated schooling environment where an assumed deficit within the African American culture

goes unchallenged (Sampson & Williams, 1978).

Do segregated schools, in fact, harm or retard the educational mental development of African American children? There are numerous studies currently being collected that suggest otherwise. Where race is made a factor, it may be that an individual who strongly identifies with a racial group, for which exists a stereotype, experiences a retarding of her/his skills in the desegregated environment. According to Steele, stereotype threat impedes the academic performance of African American students. Steele concludes that it is the distraction or threat associated with the stereotype of a group and one's personal psychological association with that group, which causes the individual's less than optimal performance (Steele, 1997). Another study suggests African American parental demand for school desegregation was not a demand for ethnically diversifying a school but was a demand for quality education and that this demand remains unmet (Reed, 1982).

Some researchers study and ponder the experiences of African American students and suggest school desegregation was a way to perpetuate colonialism within the US borders by controlling the power and meaning of schooling. Thusly described, one author writes, "white America retained control of the definition of integration in the struggle for school desegregation. They gave us busing and they took the jobs" (Sizemore, 1978, p. 58).

There are other researchers who suggest that a call for non-white-stream criteria to measure success might in fact provide evidence for African American academic success within segregated and desegregated schools alike. Without this, one author argues, "a talent or gift which is not characteristic of the WASP could become a handicap. A multilingual, multicultural curriculum could balance this situation. But, this would mean

that the WASP child would no longer have an advantage, no longer begin with a head start” (Sizemore, 1978, p. 67).

Most critical studies of desegregation find that inequalities evident elsewhere in society manifest themselves as well in the outcomes of equal educational access. Thus the sobering conclusion was that comparable higher educational attainments between blacks and whites are not comparable indicators of later in life rewards and benefits. Measuring equality of educational outcomes through equity in pay, Althauser and Spivak found that in order to obtain equity in pay, African Americans needed to obtain more education in order to achieve parity with whites that have less education (Althauser & Spivak, 1977).

In concluding an analysis of school desegregation, one author sums up desegregation like this, “although an integrated society is desirable, we have not yet begun the fight; for such a society will be possible only when Blacks and whites are equal. For all the struggle of the 1950’s and 1960’s, they gave us the parliament but they kept the banks!” (Sizemore, 1978, p. 68).

What Does CRT Offer to School Desegregation Research?

There are a growing number of Civil Rights lawyers who reflect on the Brown case and its outcome, and many are now considering that the “legal strategies intended to bring about equal educational opportunity through the mechanism of school integration should be reappraised in the light of contemporary demographic and political realities” (Bell, 2000, p. 294). One such Civil Rights attorney is noted Critical Race Theorist Derrick Bell, who examines cyclical patterns over time of advancement and loss in African American rights and provides certain guidelines that have historical evidence for

their occurrence:

Rule One—Society is always willing to sacrifice the rights of Black people in order to protect important economic or political interests of Whites.

Rule Two—The law and society recognize the rights of African Americans and other people of color only when, and only for as long as, such recognition serves some economic or political interests of greater importance to Whites. (Bell, 2000, p. 146)

As an example of number two, Bell writes:

The 1954 decision in *Brown v. Board of Education of Topeka, Kansas*, by promising to close the gap between the nation's ideals and its practices, provided an immediate boost to U.S. foreign policy efforts. It also served as a response to those on the far left, many of who were already under serious attack during the McCarthy Era, who cited racial segregation as evidence of a deeply flawed society. Indeed, *Brown* was as much an anti-subversion as it was a civil rights decision. (Bell, 2000, p. 146)

In 1883, Justice Bradley thought that our society was ready to practice color-blind treatment of people. Even though at the time of his now famous statement, systematic persecution of African Americans, including public lynchings, was still practiced, he wrote:

When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitant of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man are to be protected in the ordinary modes by which other men's rights are protected. (Bell, 2000, p. 147)

Sympathizing with Justice Bradley's statement, and with volumes of historical data, research studies and court cases as evidence, many of us would reply, "and that stage is at least 126 years away." So when will the African American take the rank of a mere citizen? And if this day comes, will the social justice reforms necessary to enforce the legal ruling sustain popular support enough to maintain necessary strength and vigor? Bell cautions us not to become apathetic in times of legal rulings that purport to support equality for all races. He warns that, "one of the dangers inherent in a victory in a social

reform case is that the legal success leads to a passivity that undermines the action that gives life to a cause and meaning to a belief” (Bell, 2000 p. 149). Like Bell, there are many Critical Race Theorists questioning whether the evidence after 52 years exists to warrant the conclusion drawn by many studies that desegregation has proven itself beneficial to the majority of African Americans growing up in the post-*Brown* era; does the white-stream narrative provide evidence of academic achievement to warrant such confidence? The answer is only a partial one. According to Orfield, “All told, a total of 63 percent of all African Americans in the US attended racially isolated schools during the Civil Rights era” (1982, pp. 4-5). After more than half a century, Bell asserts that the majority of non-whites continue to live in squalor, attend under-funded schools in urban areas where they are taught by marginally qualified teachers who are not adept at responding to the cultural diversity of students in their care. Those African Americans more fortunate to possess jobs that pay a living wage are not allowed to reach a critical mass or threaten the tipping point in our places of employment effectively to institutionalize change (Bell, 1976).

In this third section, I wish to transition my attention from the white-streamed narrative of desegregation, as established in the first section of this chapter, and the scope of counter narrative to desegregation, as established in the second section of this chapter and viewed through a CRT lens, to the specific data available about the Tinsley transfer students. From here until my study’s conclusion, I wish to analyze the collected data and apply the methods of a Critical Race Theorist. To this end, I intertwine several of Bell’s counter-interpretations of school desegregation to reframe the Tinsley study.

The Tinsley Case: an example of a CRT counter-narrative

Since the 2004-2005 school year, a total of eighteen annual compliance reports to the Superior Court of California, County of San Mateo were prepared in connection with Settlement Order 206010, (Tinsley Settlement Order). The Order affects the California Department of Education, the San Mateo and Santa Clara County Superintendents of Schools, the Palo Alto Unified School District, the eight elementary school districts, which feed into the Sequoia Union High School District of which Ravenswood is one of the eight. The other seven elementary school districts are Belmont-Redwood Shores, Las Lomas, Menlo Park, Portola Valley, Redwood City, San Carlos, and Woodside. The compliance report provides an overview of the voluntary transfer program.

According to this report, the voluntary transfer program allows minority students living in the Ravenswood City School District and in grades kindergarten through second to transfer to Belmont-Redwood Shores, Las Lomas, Menlo Park, Palo Alto, Portola Valley, Redwood City, San Carlos and Woodside school districts; it also allows non-minority students from these same districts to transfer into Ravenswood. The exact number of possible transfers has differed a bit over the years, but the figure is approximately 175 students per year (since 1993 this number has been 166).

During eighteen years of the transfer program, 3,148 spaces were made available to transfers and 2,508 students transferred (80% of the transfer limit). Of the 2,508 students who transferred only two students transferred into Ravenswood from one of the eight participating non-minority districts. Since 1993-1994, no student from the eight participating non-minority districts has transferred in to the Ravenswood District.

Originally nearly all Tinsley students were African American; change in the ethnic make up of the residents of EPA is also changing the ethnic make up of the transfer pool. In table one, there is an ethnic break-down of the 2004-05 Tinsley applicants: Asians

represent 10% of the total transfer population and make up 10% of the Ravenswood district; African Americans make up 26% of transfers while they make up only 18% of the Ravenswood district population; Hispanics make up 61% of all transfers and represent 71% of Ravenswood's district population (see Table 4.1).

The majority of all Tinsley transfer students attend school in the Palo Alto Unified School District (PAUSD). After elementary school, PAUSD Tinsley students transfer to one of the two high schools in the PAUSD—Palo Alto High School or Gunn (Henry M.) High School. By looking at the data and a map of the area, there are two assumptions one can make for the heavy number of students attending the PAUSD. First, geographically, the PAUSD has elementary schools nearest to EPA. Second, Tinsley parents know that because PAUSD is a unified school district, their child will enroll into either of the aforementioned high schools and not into Menlo-Atherton—the traditional school of transfer for Ravenswood's eighth grade graduates. The non-PAUSD Tinsley eighth grade graduates will enroll in one of the Sequoia Union High School District's five high schools—Woodside, Sequoia, Redwood Continuation, Menlo-Atherton or Carmont—all of which are further from EPA than PAUSD's high schools with the one exception, Menlo-Atherton. Upon eighth grade completion, 43% of the Tinsley students complete their eighth grade schooling outside of Ravenswood only to be reintegrated with the EPA population of Ravenswood by becoming a part of the Sequoia Union High School District—where no further Tinsley specific data is tracked.

In 2004 and beginning in elementary school, there were 592 of the 1,037 (57%) Tinsley students within the PAUSD—this amounts to 57% of all Tinsley students being enrolled in the PAUSD and 43% in the other districts. In kindergarten, they were 62 of the 112 (55%) Tinsley students; in the first grade, 67 of the 121 (55%); second grade, 65

of the 121(54%); third, 54 of 109 (50%); fourth, 42 of 95 (44%); fifth, 38 of 69 (55%); sixth, 45 of 92 (49%); seventh, 39 of the 76 (51%); eighth, 31 of 74 (42%); in the ninth through twelfth grade, remaining Tinsley students are represented 100% in the PAUSD because the rest of the Tinsley students are no longer tracked once they enter the Sequoia High School District. In ninth grade there are 40, tenth grade has 31, eleventh has 32 and twelfth grade has 25.

According to the report, a goal of the Settlement Order is “to the extent reasonable and feasible, to further equal educational opportunities for all students in all respondent districts by reducing the minority isolation among or between the students of respondent districts’ elementary schools” (Settlement Order Report 2003-2004, p. 3). Here we see a white-streamed narrative applied—equal educational opportunities by reducing minority isolation. In fact, Redwood City Elementary School District—one of the original eight elementary schools is exempt from receiving further Tinsley students because in 1991-1992, it surpassed the minority enrollment marker of 60% and in 1994-1995, siblings of the existing Tinsley students in the Redwood City District were no longer accepted. The Order makes no mention of any substantive academic alterations and thus assumes two things. First, there is no quality learning possible for minorities in a racially segregated school. And second, non-whites labeled minority because of their limited social and economic prowess within a white-dominate society will feel less the minority and less isolated when they are made a quantifiable minority in the transfer schools (Marable, 1992).

In 2003-2004, approximately 15% of all Tinsley students either moved in to or out of the program—this equals 143 actual students of the 947 enrolled. Of the 143 who left the program, 31 graduated from one of the two PAUSD’s high schools, 34 graduated from

one of the six elementary school districts (Ravenswood had none), 58 moved from EPA, 9 never enrolled, 6 returned to Ravenswood and 5 gave ‘other’ as a designation and this description was not further defined. Tinsley graduates made up 7% of the overall 2003-2004 Tinsley population. The Palo Alto district had nearly twice the number of graduates of any of the other seven districts combined. In both high schools, Tinsley students are assured a color-blind schooling.

Palo Alto welcomes parents when they have accepted their transfer in early January. At that point these students are treated like any other resident student and begin the registration process for the new school year...As Voluntary Transfer Program (VTP) students move on to higher grades in Palo Alto they are entitled to all of the same programs and services as regular students. (Settlement Order Report, 2003-2004, p. 12)

With the majority of Tinsley students in the PAUSD, I focus my analysis there. Also, because there is more stratified data available for the two high schools and because I am most interested in how these students are prepared for their post-secondary lives, the Order and the school accountability report card become data for analysis. The two high schools, Palo Alto High and Gunn, are situated in the southwest region of the city. Palo Alto High is less than 3 miles from the EPA home in which I did much of my research for this study. While Gunn is 7 miles from it and not on any direct public bus line from EPA—this makes Palo Alto most accessible to the high school Tinsley student. In addition to the city bus, there was a school bus to both high schools, which will cease to transport Tinsley students to Gunn after the 2004-2005 school year. The reason given was cost.

As one of California’s Digital High Schools, Palo Alto High, locally known as ‘Paly’, has a “technology program which seeks to ensure that staff and students alike are able to use technology to conduct and enhance their work, emulating the conditions of today’s college and work environments...[Paly] is consistently named among the top high schools in the nation” (School Accountability Report Card for Palo Alto High School, 2003-2004). Paly

serves 1,654 students and 90% of their seniors go to 2-4 year colleges; 73% go directly to 4-year colleges. Of their 1,654 students, 94 are African American (6%), 111 are Latino (6.7%) and 1,123 are white (68%). Palo Alto's ethnic make up is 76% white, 5% Latino and 2% African American. By comparing the data of the previous page, it is a reasonable assumption that the majority of their African American students come from EPA and the *Tinsley* program (remember that the Latino population is growing in EPA and is more distributed in the lower grades).

“All Gunn High School students will acquire the knowledge, skills and values necessary to strive for excellence, to become socially and ethically responsible adults as well as creative and competent thinkers, and to embrace lifelong learning” (School Accountability Report Card for Palo Alto High School, 2003-2004). On their Website, they note that *Newsweek* has recognized Gunn as the 50th best high school in America nationally (School Accountability Report Card for Palo Alto High School, 2003-2004). There are 1,715 students and 31 of these students are African American (2%), 92 Latino (5%) and 1,019 white (59%). By its African American and Latino racial make-up, Gunn is more representative of Palo Alto's ethnic composition, which might suggest that some of Gunn's minority student's reside in Palo Alto and are not *Tinsley* transfer students.

The Tinsley Student as Marker

According to Paly's Accountability Report Card, 77% of the students are achieving at the proficient or advanced level in English-Language Arts, in math 72%, in science 65% and in history-social science 75%. When the totals are disaggregated by ethnicity, we find that of the African Americans, only 33% are achieving at the proficient or advanced level in English-Language Arts, in math 31%, in science 19% and in history-social science 24%. Of

the Latinos, only 40% are achieving at the proficient or advanced level in English-Language Arts, in math 38%, in science 25% and in history-social science 44%.

According to Gunn's Accountability Report Card, 75% of the students are achieving at the proficient or advanced level in English-Language Arts, in math 72%, in science 71% and in history-social science 73%. Fairly consistent are these figures for both schools. When the totals are disaggregated by ethnicity, we find that of the African Americans, 33% are achieving at the proficient or advanced level in English-Language Arts and this is consistent with the total from Paly, in math 11% (20% lower than at Paly), in science 20% (the percent stays consistent) and in history-social science 29% (it also remains consistent). Of the Latinos, the inconsistencies are greater, only 27% (13% lower than at Paly) are achieving at the proficient or advanced level in English-Language Arts, in math 24% (14% lower than their Latino counter-part at Paly), in science 20% (the number is fairly consistent) and in history-social science 28% (16% lower than at Paly).

With the exception of the math score difference of 20%, there is a fair level of consistency in the results of African Americans at these two schools—African Americans at both high schools score at almost the same margin of difference. Yet the Latino experience is much different, as there exists a larger margin of difference among Latinos in Gunn and Paly. This data suggests that in the area of math and with the Latino population, Paly experiences more academic success. Also, when we assume Paly has a larger majority of Tinsley students than does Gunn, this data might also suggest that in the area of math and with the Latino population, Paly experiences greater success with the Tinsley transfer population than Gunn experiences. Next, I turn to the traditional feeder school for EPA residents to assess if there is any academic difference in scores between the Tinsley student and the non-Tinsley student.

At Menlo-Atherton High School (M. A.), there are a total of 2,090 students enrolled. Of this number, 172 (8%) are African American, 873 (42%) are white and 830 (40%) are Latino making Latinos by far the largest minority group in the school. Not as easy to infer is the general racial population of the area, as M. A.'s student population includes portions of several cities and towns. According to the 2000 Census, there were 2, 596 residents between the ages of 15 and 19 living in EPA and it is safe to assume that of this number, M.A. encompasses the overwhelming majority of EPA's ninth through twelfth grade student population, as M.A.'s attendance area includes all of EPA—this assumption excluded, of course those 128 students who are in ninth through twelfth grade and participating in the Tinsley program. EPA's racial make-up is 23% African American, 59% Latino and 27% white. The median age is 26 while the median age in Palo Alto is 40. Although M.A. includes all of the city of EPA in its attendance boundaries, the residents of EPA are under-represented in the high school enrollment figures. The African American and Latino population is over-represented in the Tinsley program, but by no more than 10%.

According to M.A.'s Accountability Report Card, 45% (30% lower than Gunn and 32% lower than Paly) of all students are achieving at the proficient or advanced level in English-Language Arts, in math 25% (47% lower than Gunn and 47% lower than Paly), in science 28% (43% lower than Gunn and 37% lower than Paly) and in history-social science 38% (35% lower than Gunn and 37% lower than Paly). Fairly consistent are the results for the comparison of these three schools—both Paly and Gunn far out achieve M.A.'s overall, all-student score and do so by almost the same margin of difference.

When the totals are disaggregated by race and ethnicity, we find that of the African Americans, 16% (17% lower than Gunn and 16% lower than Paly) are achieving at the proficient or advanced level in English-Language Arts, in math 3% (8% lower than Gunn

and 28% lower than Paly), in science 7% (13% lower than Gunn and 12% lower than Paly) and in history-social science 2% (27% lower than Gunn and 22% lower than Paly). Of the Latinos, the inconsistencies are 14% (13% lower than Gunn and 26% lower than Paly) are achieving at the proficient or advanced level in English-Language Arts, in math 6% (18% lower than Gunn and 32% lower than Paly), in science 7% (13% lower than Gunn and 18% lower than Paly) and in history-social science 11% (17% lower than Gunn and 33% lower than Paly). With the exception of the math score difference of 28%, there is a fair level of consistency in the results for the comparison of these three schools—both Paly and Gunn far out achieve M.A.’s African American student scores and do so by almost the same margin of difference. Yet the Latino experience is much different, as there exists a much larger margin of difference between Gunn and Paly; however, both schools, nonetheless, out score M.A. with regard to African American achievement, Latino achievement and overall student achievement. It is also important to note that white students at both schools must then also outperform white students are M.A. In the area of math and with the Latino population, Paly is seeing greater academic success than are Gunn and M.A.

Ethnicity as Marker

Comparison of Paly’s white students to its African American & Latino students

By ethnicity, subject area and in each high school, the Accountability Report Card provides a striking difference between whites and both African Americans and Latinos. At Paly, 82% (49% higher than African Americans and 42% higher than Latinos) of the white students are achieving at the proficient or advanced level in English-Language Arts, in math 74% (43% higher than African Americans and 36% higher than Latinos), in science 68%

(49% higher than African Americans and 43% higher than Latinos), and in history-social science 80% (56% higher than African Americans and 36% higher than Latinos).

Comparison of Gunn's white students to its African American & Latino students

At Gunn, 79% (46% higher than African Americans and 52% higher than Latinos) of the white students are achieving at the proficient or advanced level in English-Language Arts, in math 71% (60% higher than African Americans and 47% higher than Latinos), in science 73% (53% higher than African Americans and 53% higher than Latinos), and in history-social science 77% (48% higher than African Americans and 49% higher than Latinos).

Comparison of M.A.'s white students to its African American & Latino students

At M.A., 76% (60% higher than African Americans and 62% higher than Latinos) of the white students are achieving at the proficient or advanced level in English-Language Arts, in math 41% (38% higher than African Americans and 35% higher than Latinos), in science 46% (39% higher than African Americans and 39% higher than Latinos) and in history-social science 66% (64% higher than African Americans and 55% higher than Latinos).

Comparison of whites to African Americans in all three high schools

More striking is that by ethnicity, subject area and across all three high schools, the Accountability Report Card provides a striking similarity among white students. In English-Language Arts, whites at Paly out score African Americans by 49%, at Gunn by 46% and at M.A. by 60%. In math, whites at Paly out score African Americans by 43%, at Gunn by 60% and at M.A. by 38%. In science, whites at Paly out score African Americans by 49%, at Gunn by 53% and at M.A. by 39%. And lastly, in the subject of history-social science,

we see that whites at Paly out score African Americans by 56%, at Gunn by 48% and at M.A. by 64%.

Comparison of whites to Latinos in all three high schools

In English-Language Arts, whites at Paly out score Latinos by 42%, at Gunn by 52% and at M.A. by 62%. In math, whites at Paly out score Latinos by 36%, at Gunn by 47% and at M.A. by 35%. In science, whites at Paly out score Latinos by 43%, at Gunn by 53% and at M.A. by 39%. And lastly, in the subject of history-social science, we see that whites at Paly out score Latinos by 36%, at Gunn by 49% and at M.A. by 55%.

Here it is possible to see that African Americans and Latinos under-perform when compared to white students in all three high schools. They also under-perform in similar patterns at each of the three schools and fall within less than 10% points of deviation from one another (with the exception of math where African Americans have a 13% degree of difference from whites at Gunn). Among African Americans and Latinos under-performance as measured by race is consistent inter-high school and intra-high school. It is also consistent by school and race and across the four subject areas.

The figures provide evidence, which suggests Tinsley students at Paly and Gunn are outperforming African Americans and Latinos at M.A.—thus, Tinsley participants may benefit from school desegregation. While whites at both Gunn and Paly outperform whites at M.A. African Americans and Latinos consistently under-perform when compared to whites at all three schools. Also striking is that African Americans and Latinos under-perform at similar statistical degrees of difference from whites at all three schools. In conclusion, the Tinsley program makes some positive difference, but it is a difference that provides leverage over minorities at M.A. and does not provide evidence for significant improvement when compared to scores from white students at Paly, Gunn or M.A.

Finally, I will end this chapter by asserting *Tinsley* is not an example of a desegregation program that remedies unequal educational opportunity if unequal educational opportunity is defined as academic equality between African Americans and whites. *Tinsley* does provide evidence to suggest that African Americans, when placed in small numbers at high performing majority white institutions, do better than African Americans not placed into these same schooling environments.

In chapters five through seven, I will use CRT's counter-narrative method to analyze the *Tinsley* case. Are there instances of rule one or two; can color blindness by the school Board add anything to this assessment? Are quality teachers responsible for the improvements in *Tinsley* student performance? And finally, I wish to consider ways in which a partial legal victory after ten years allowed the momentum for a cause about equal educational opportunity to lose its steam.

CHAPTER 5

THE TINSLEY CASE AND FRAMING

During a school board meeting, Marer sat silently listening to a discussion about fiscal accountability and the importance of communication between the district and the public. He then turned to a reporter seated nearby and said, “It’s stuff we talked about 30 years ago...The problems are the same, the suggested solutions are the same and, 30 years later, it’s the same situation or even worse.” (Neufeld, 2002)

One year later in 2003, I gathered from my interview with one of the three lead lawyers for the *Tinsley* case, Attorney Marer, a continuing sense of frustration at the minimal progress made in three decades to improve the quality of education available to EPA’s students. In many ways, I too feel frustrated by the negligible development during this time—EPA is ripe for change and has been thusly positioned for years. So what is the hold up? How should change look and to whom should the power of change-agent be granted? As Foucault suggests, there are always issues of power at play (Foucault, 1995). Power drives the decisions and the lack thereof within EPA’s schools and the surrounding school districts. Eager to see more change during the next thirty years than occurred in these previous three decades, I studied the work of one notable progressive researcher. His studies on framing are the foundation for this chapter.

George Lakoff—a linguist, senior fellow of the progressive think tank, The Rockridge Institute, and professor at University of California, Berkeley—discusses the

importance of framing one's argument. He emphasizes that people make decisions based on their values rather than their self-interests (Lakoff, 2004). He further contends when one group attacks the frame of one's opponent, this act only serves to reinforce the opposition's frame. What is needed, according to Lakoff, is a frame which includes one's values, vision and mission, and steers clear of attacking the values, vision and mission of one's opponent. Although Lakoff uses the political arena and binary language of opponent/proponent to explore frames, he asserts that an "analytic act is a political act. Awareness matters. Being able to articulate what is going on can change what is going on" (Lakoff, p. 74). He refers to this type of work as, "cognitive activism." With this in mind, here I set out to become a cognitive activist and to frame the school desegregation results of the *Tinsley case*.

Lakoff stresses the importance of first, knowing the existing frame, the language and the underlying values, vision, and mission evoked. Second, he stresses the importance of reframing or, "changing the way the public sees the world...new language is required for new frames" (Lakoff, 2004, p. xv). In the previous chapter, I have outlined the existing school desegregation frame. In this chapter, I hope first, to unpack some of the language and value system used in the *Tinsley* case ruling and court order. Second, I wish to reframe the *Tinsley* case and offer up some new language. The third and final step entails applying this new frame to the Case through a pilot project and case study, which will in turn become the essence of my post-dissertation project—thusly developed, the third step, albeit a natural extension of the first and second steps, extends beyond the parameters for this dissertation. Before delving into this two-stepped approach, I wish to state up front that in no way do I see this one way of framing the Case, as the only frame

possible. It is simply another angle or lens through which we might differently approach some new and hopefully holistically inclusive ‘next steps’.

The Existing Frame: Unveiling the Wizard (Unpacking the Language)

Framing is about getting language that fits your worldview. It is not just language. The ideas are primary—and the language carries those ideas, evokes those ideas. (Lakoff, 2004, p. 4)

Framing is about ideas conveyed through language, which in turn complements one’s worldview. Through language, ones ideas are expressed; if those ideas affirm the dominant worldview, this language has power. According to Lakoff, and much like reification (Bourdieu & Passeron, 1970/1977), one is almost unconscious of one’s frame; “things just are the way they are.” Framing allows the socially constructed world to appear rigid and fixed. Moreover, and much like school desegregation, these framed ideas and the associated language appear to have neither agent nor origin.

Frames do, however, have an origin rooted in ideology (Lakoff, 2004). The dominant culture’s ideology is given agency through patterns of accountability, gate keeping and meritocracy. The court-system becomes a reifying device, which helps sustain and affirm the dominant culture’s worldview. In the case of court rulings, the settlement order becomes the accountability tool. Schwalbe writes,

the concepts of accountability and nets of accountability are starting points. We also need more attention to how categories are created and sustained; how people are identified categorically; how the ideologies that prescribe behavior for members of categories are created and propagated; how accountability is used to accomplish othering and exploitation...All this requires a close look at who does what to whom and with whom and how they’re doing it, using what kinds of material and symbolic resources (Schwalbe, 2000 p. 781).

In my research of the *Tinsley* decision, the court system is a gate-keeping tool and accountability is implemented through a court’s settlement order; meritocracy, is

conveyed through perceptions of equal opportunity. The goal of the *Tinsley* settlement order reads, “to the extent reasonable and feasible, to further equal opportunities for all students” (Tinsley Settlement Order: Annual Performance Monitoring Compliance Report, 2003-2004, p. 1).

Through routine and practice, framed ideas are reified and so too are their prevailing values and interests (Benford & Snow, 2000). Lakoff (2004) asserts that in our political environment, conservatives believe voters vote their values while progressives believe voters vote their self-interest. This distinction becomes particularly important when considering how to gain consensus among the low-income, minority population who has traditionally been less conservative than are low-income, whites and yet more conservative than is the middle-income, urban non-white population. Given the 2000 presidential outcome and near certainty of a continued back door draft, enlisted members of our military, who are overwhelmingly low-income and non-white, voted for their values and not necessarily for what was in their best interest (Wallace-Wells, 2003). Since 2003, however, this trend is changing, as more and more soldiers are becoming increasingly discontent with the Bush administration’s overall objectives in Iraq (Wallace-Wells, 2003). From March 2003 until May 2006, 2,457 US soldiers were reported killed in the Iraq War while another 17,774 in this same timeframe were reported wounded in battle (GlobalSecurity.org, 2006). To date, there is no plan to end the war. Through the military’s long history of trust in our government officials and military training, which rewards those who do not question authority and teaches respect of both hierarchy and meritocracy, the majority of our armed forces to the early 2000s perpetuated a frame, which prioritized values over self-interest (Spindler, 1948; Levy,

1998). Similarly lacking, self-interest in the framing of school desegregation was not a primary goal of the majority of the low-income, non-white population.

In 1954, *Brown* supporters prioritized a value system affirming desegregation and color-blindness over self-interests such as quality education for non-white students.

Rodgers (1974) affirms this value,

First, school desegregation can be achieved...Second, achieving desegregation is easier than many people believe...The technology to achieve full desegregation is available—pairing, grouping, clustering, rezoning, site selection, busing...We also believe that school desegregation will prove worthwhile. Although controversial and frequently hard on those involved, in the long run school desegregation should be beneficial to society. (p. 775)

Rodgers concludes by citing the work of Christopher Jencks, *et al* (1972) who further confirms desegregation over quality education, “[T]he case for or against desegregation should not be argued in terms of academic achievement. If we want a segregated society, we should have segregated schools. If we want a desegregated society, we should have desegregated schools” (Rodgers, 1974, p. 776). If only it were so simple as a technical shift in how we assign children to schools to rid our nation of racial stratification and racially-based inequality, the *Tinsley* settlement order would have had a larger positive impact on the voluntary transfer students—as seen in chapter four, the improved test score results in no way approximate those scores of the whites in the same school.

As reported only one year after the *Brown* decision, there was a consciousness about the distinction between desegregation and integration. The following author shows how this distinction falls in compliance with Lakoff’s assertion about language—people think in binary fashion of values or self-interest and language conveys ideology.

By desegregation is meant “any process of bringing Negro (or other ‘non-white’) and white children into the same schools: this sharing of schools involves bi-racial classes, and in some cases bi-racial faculties and administration. It also refers to bi-racial PTA’s and other school organizations. Integration, on the other hand, has to do with the participation of Negroes and whites in the same

activities with a maximum of cooperation...Integration includes bi-racial extra-curricular activities and school-related activities as well as classroom activities.” (Valien, 1955, p. 388-389)

Valien (1955) then provides text from the *Brown* ruling to show how the courts focused on desegregation and not on integration.

Addressing itself specifically to the question of segregation, the Court raised the question, “Does segregation of children in the public schools solely on the basis of race, even though the physical facilities and other ‘tangible’ factors may be equal, deprive the children of the minority group of equal educational opportunities?”...The answer of the Court was, “We believe that it does.” (p. 389)

As the following study suggests, in the 1980s—some twenty-five years later—African American superintendents were still concerned that within the African American community there exists a prioritizing of the value of racial desegregation over the self-interest of a quality education.

The concept of racial balance has been the most prominent feature of school desegregation strategies since the *Brown* decision in 1954...The views of black superintendents on school desegregation constitute a valuable resource for courts, attorneys, and school boards in their determination of the permissible and effective policies of school desegregation...The superintendents challenged both the social and educational merits of school desegregation strategies that rely primarily on racial balance remedies. They agreed that black Americans need to reexamine previously held views on what the permissible and effective policies of school desegregation are in light of the realities of the 1980s (H. Scott, 1983, p. 378-379). [Scott goes further to show the low performance of African American students]

So powerful are the findings from Scott’s study that I wish to share in detail the results to 5 of 48 statements to which 35 of the nation’s 60 African American superintendents at the time responded:

20 strongly agreed and 12 agreed with this statement:

“School desegregation plans should preserve the cultural identity and dignity of black Americans.”

19 strongly agreed and 22 agreed with this statement:

“Genuine integration is a reciprocal process in which blacks and whites gravitate toward each other, sharing decision-making control over institutions and communities and melding their ethical and esthetic values.”

15 strongly agreed and 18 agreed with this statement:

“Far too often school desegregation has come to represent a process that adds token bits of color to institutions controlled entirely by whites.”

15 strongly agreed and 19 agreed with this statement:

“Desegregation becomes integration when culturally or racially diverse groups relate to each other as status equals.”

20 strongly agreed and 11 agreed with this statement:

“The contention that black children can only receive or can best receive a quality education in predominantly white schools or a majority white classroom is blatantly racist and paternalistic.” (p. 380)

In the *Tinsley* case, some 200 kindergarten, first, and second grade minority students are able voluntarily to leave their neighborhood school district to pursue education in the majority white, affluent surrounding school districts each year. There are buses offered for transportation, public bus cards provided when school buses are not provided; yet movement of minority students and receiving an education with affluent whites has not equalized the scores of African Americans relative to their white classroom peers—there is still almost a 50% gap between African Americans and whites. The approximate same percentage gap exists in the home district between the two ethnic groups. According to Lakoff, more than structural shifts, ideological shifts are needed (Lakoff, 2004). In hindsight, the majority of school desegregation supporters, many of whom were African Americans, favored a system that spoke to values over one that spoke to their self-interest.

Since the early 1970s, both liberals and conservatives have questioned the value of desegregation (Eaton, 2001). Today, some African Americans who attended segregated

public schools suggest that desegregation is a major contributing factor in the academic decline of African American students and disintegration of African American communities. The premise for this argument lies in a belief that African American teachers knew the familial and social environment of their tutelage, reinvested in their community via investment in its youth, and taught self-affirming values within the African American schools (Bell, D. 2004). By contrast and post-*Brown*, African American teachers and administrators, who were traditionally a well-respected and fairly well paid professional segment of the African American community, lost their jobs or were transferred to majority white schools. The idea that racism and classism are eroded through structural desegregation is a function of framing. Moreover, the idea that institutionalized desegregation offers students of color a better education—which is what the majority of parents sought, as noted in a study by desegregation experts, Orfield and Eaton (1996)—is near counter-intuitive. School desegregation offers a frame that values and supports a system based on merit and a definition of equal prescribed as equality of opportunity and not equality of outcome.

Some might disagree with my line of thought on this point. They might ask, ‘how is school desegregation framing a merit-based system and definition of equality?’ The following might help explain how it is I can make such an assertion. A merit-based school system asserts that if one works hard, one is rewarded. This ideal helps maintain competition in the United States. In its short-lived history, the United States has overcome insurmountable odds based on a belief that rewards are achieved by encouraging competition for limited resources—this keeps everyone working hard and allows those not working to be labeled loafers deserving of their hardships. By defining equality as opportunity, this frame sets up the majority of individuals for inequality of

outcome—read failure. In an economy based on the scarcity of resources, equal opportunity to the means of obtaining resources—read skills—does not equate with equal access to the end product—read wealth and cultural preservation. By speaking a rhetoric of equality, and despite the obvious and substantially separate and unequal school experiences of African American and other minority students in the United States (Darling-Hammond, 2000), the school desegregation frame took hold and became the foundation for decades of desegregation lawsuits. And it is in this reified environment that the *Tinsley case* took shape.

Court Decision

During the ten year court battle, parents both black and white argued that their children suffered because peninsula schools (situated on the south-west peninsula of the San Francisco Bay) were effectively segregated—assumed by the white parents to mean segregation by race and assumed by the black parents to mean segregation from better educational opportunity, as relayed to me during my interview with Mrs. Tinsley. It was fairly common at the time for parents (and researchers alike), to collapse segregation from opportunity with segregation from white people. In 1976, the lawsuit obtained desegregation rights for a very small portion of kindergarten, first and second grade students. Due to the high number of African Americans attending Ravenswood schools in East Palo Alto and the high number of non-African Americans attending schools in the surrounding districts, the unstated goal of the lawyers was a court-ordered merger of Ravenswood and surrounding elementary school districts. Such a merger did not happen. Only two non-minority students have opted to transfer into Ravenswood since the 1986 settlement order began.

A direct result of the case is that a certain number of students can transfer in to or out of the Ravenswood district and in to or out of one of the previously mentioned districts during their kindergarten, first and second grade years. It is a commonly held belief by the administrators involved that Ravenswood students transferring later than the end of their second grade year are too far behind their non-Ravenswood district counter-parts to make successfully this transition (Tinsley Settlement Order: Annual Performance Monitoring Compliance Report, 2003-2004). Knowledge about the transfer program is usually spread by word of mouth and, although there is a pamphlet to be sent out at the beginning of each year to the parents of kindergarten through second grade Ravenswood students, the program is mainly publicized the way it was originally publicized—through word of mouth. In my interview with Mrs. Tinsley, she told me that she learned of the original plan to file a legal claim through her involvement with a local church. With approximately 200 transfer slots created each year, some go unfilled for two reasons. First, the court did not state how to recruit students and second, neither the Ravenswood district nor the surrounding court-ordered partner districts, find it advantageous to encourage these transfers. In fact, Ravenswood loses money and the surrounding recipient districts gain an ethnic population they are poorly equipped to educate. During the 1993 to 1996 school years, I taught kindergarten and first grade in the Ravenswood District, one of the very few Title I districts in the nation. By coincidence in 1993, I only learned of the transfer program during a party at a friend's home where I met Sid Berlin. One of the three lead lawyers for the *Tinsley case*, Attorney Berlin told me the details of the program and he was not surprised to learn that I knew nothing of its existence. At that time, the court order had been in place already for seven years. Although the case brought lots of local media attention at first, seven years later, not a word was uttered.

After the party, when I inquired about the transfer program at the Ravenswood district office, they offered no flyer to solicit participation or contact number through which parents could learn more information. Informally, I was discouraged from discussing with parents of my kindergarten and first grade students this transfer option available to them.

The three main goals of the Tinsley Settlement Order were to increase the number of minority students in the seven mostly white surrounding school districts, to improve the educational standards of the Ravenswood district, and to increase the inter-district cooperation between Ravenswood and the other districts. Again, none of these three goals speaks directly to the parents' original concern, which was better educational opportunities for their children. Also, only one of the three goals—the Voluntary Transfer Program—is structurally managed some three decades later. This structure comes from the annual report, which was until 2004 filed each year with the court.

Given the three main goals and their failure to address the parents' main issue, it is almost assumed, through osmosis, students of color could excel in these homogeneous, upper-middle class, white schooling environments. I come to this conclusion because at the Palo Alto School District's Website they make it clear the district treats all students the same and has in place no specific programs to assist the voluntary transfer students. Erroneously understood, all academic and resource troubles that stymied educational opportunity resided within Ravenswood's boundaries. It is not safe nor is it accurate to assume the Ravenswood district exists in a bubble and independent of the race, class and cultural differences apparent on both sides of Highway 101 and evidenced in the following two quotes:

While class was a factor in Whites' opposition to attending Dunnmeyer
[Dunnmeyer is a pseudonym for Ravenswood used by the author, Lowe], race

was the primary reason why conservative Whites opposed Black attendance in other district schools. (Lowe, 1989, p 77)

In 1986, San Mateo County Superior Court Judge William Lanam approved a settlement he hailed at the time as “a small step against bigotry.” (Neufeld, 2002)

Perceived as a path to the eradication of bigotry and legally sanctioned, voluntary integration does not an equal educational opportunity make. In my years of study as an education major, I learned that sound educational opportunities come from unabashed leadership, community support, and progressive teachers with flexible teaching pedagogies who are willing to adopt new approaches without fear of retribution or punitive measures.

Moreover, of the three goals mandated in the settlement, only one goal appears to be at all active—‘to increase the number of minority students in the seven mostly white surrounding school districts.’ Since 1986, two students have transferred into the Ravenswood district while 2,066 have transferred out of the district (Tinsley Settlement Order: Annual Performance Monitoring Compliance Report, 2003-2004). The educational standards of the Ravenswood district still suffer greatly from its inadequate expenditures on instruction and weak academic preparation of students. And as a consequence of the lawsuit, the surrounding districts have an adversarial relationship with Ravenswood, which is seen as the pariah and source of student underachievement. Also, by looking at teacher preparation, we learn that teacher preparation is probably a better indicator of student success in the desegregated school setting than is a quantitative racial indicator. In the table, we see that 99% on average of Palo Alto’s teachers are fully credentialed. While in Ravenswood, we see that 67% on average of the teachers are fully credentialed (see Table 4.1: API and Teacher Information).

According to the “US Department of Education’s Common Core of Data, 2003-2004 Report” on public school districts, there is a huge financial resource inequality between Ravenswood and the Palo Alto School District (United States Department of Education) Ravenswood is a much smaller district than Palo Alto. In 2003-2004, Ravenswood served a total of 5,019 students while Palo Alto served 10,354 students. Although Ravenswood is a K-8 School District while Palo Alto is a unified, K-12 system, some surprising disparities are evident in their financial expenditures per student.

<u>School</u>	<u>Ravenswood</u>	<u>Palo Alto</u>	<u>(Difference)</u>
Elem. Guidance Counselors	0.5	6.6	
Total Revenue per student	\$10,875	\$12,863	(PA+\$1,988)
Revenue from Federal Source	12%	3%	
Revenue from Local Source	63%	81%	
Revenue from State Source	25%	16%	
Total Expenditure/student	\$7,957	\$11,045	(PA+\$3,088)
Instructional Expenditure/student	\$4,425	\$7,240	(PA+\$2,815)

Palo Alto spends \$3,088 more per student than Ravenswood spends per student. Palo Alto also spends 56% of their total revenue on instructional expenditures while Ravenswood spends only 41% of their total revenue on instructional expenditures. Although there is only printed information about the federal, local and state revenue sources and from these sources at least 3% of overall expenditures per year must be kept in a reserve to be compliant with state law, to be fair, I suspect and have heard through

informal sources that Palo Alto manages to maintain much more than the 3% financial base-line mandated by the State in its reserve through receipt of soft monies through one-time grants and ongoing foundation fund-raising. It might also be assumed that soft monies are available then to enhance and subsidize expenditures in Palo Alto that must come out of Ravenswood's general fund; however, this 15% difference in instructional expenditures is significant and worth noting whether or not it can be entirely controlled for by each district.

From the Ravenswood and Palo Alto Student Report Cards, 2003-2004, we see a huge disparity in academic performance between these two districts (see Table 4.1: API & Teacher Information). To adjust for the differences in grade levels taught by the districts, I used only K-8 information for the Palo Alto Unified School District (Palo Alto Unified School District, 2004). And I used this same K-8 information for Ravenswood (Ravenswood, 2004). The average Academic Performance Index (API) for Ravenswood was 630.6 and for Palo Alto it was 901.4; this is a difference of 270.8 points.

The highest performing school in Ravenswood had a score of 777 and the lowest performing school had a score of 484. The highest performing school in Palo Alto had a score of 958 and the lowest performing school had a score of 844. The difference within the district's highest and lowest scores in Ravenswood was 293. The difference within the district's highest and lowest scores in Palo Alto was 114. The difference between Ravenswood's highest performing school and Palo Alto's highest performing school was 181 and the difference between Ravenswood's lowest performing school and Palo Alto's lowest performing school was 360. The difference between Palo Alto's highest performing school and Ravenswood's lowest performing school was 474. From these scores, we learn that the difference (181) between Ravenswood's highest performing

school (777) and Palo Alto's highest performing school (958) is greater than is the difference (114) between Palo Alto's highest performing school and lowest performing school. We also learn that the difference (181) between Ravenswood's highest performing school (777) and Palo Alto's highest performing school (958) is less than is the difference (293) between Ravenswood's highest performing school and lowest performing school. We also learn that the difference (360) between Ravenswood's lowest performing school (484) and Palo Alto's lowest performing school (844) is greater than is the difference (114) between Palo Alto's highest performing school and lowest performing school. From these figures, we see that overall academic achievement by district is greater in Palo Alto and that overall academic achievement by school is greater in Palo Alto. And we learn that the intra-district disparity in school's scores is less in Palo Alto. So great is the difference between these two districts that Palo Alto's lowest performing school outperforms Ravenswood's highest performing school by 67 points and outperforms Ravenswood's lowest performing school by 360 points. We can also see the intra-district disparity between lowest and highest performing school from this information. In Ravenswood, the score difference between the highest and lowest performing school is 293 and in Palo Alto it is 114—for a difference in disparity of 179 points higher in Ravenswood. Thus actual school choice in Ravenswood is much more significant than it is in Palo Alto. While finally, no matter which school one attends in Palo Alto, in 2003-2004, it outperformed Ravenswood's highest performing school by 67 to 360 points.

II. Reframing

“as assimilation increased, the black children felt increasingly positive toward their schools and neighborhoods and about whites in general, but less positive about blacks” (James Banks, 1984, cited in Eaton, 2001)

As stated in my method section, I am concerned with the subject of the public policy and less so with the court ruling. First, I am most concerned with the East Palo Alto parents and their original initiative—to see an improvement in the educational opportunities afforded their children living in East Palo Alto. Second, and as an advocate for local, community identity and given the results of Banks’ study in 1984, I am concerned with how East Palo Alto residents who participate in the transfer program will view and reflect back on their East Palo Alto community as adults. Finally, I question how the original interest of East Palo Alto parents was framed to mimic desegregation cases of the time. Thus my objective here in this second, much shorter, albeit lofty, strand of the chapter is to reframe the *Tinsley* case given these subjective concerns.

Improvements in the equality of educational outcomes must be framed as such. What is needed, according to Lakoff, is a frame that includes one’s values, vision, and mission and steers clear of attacking the values, vision, and mission of one’s opponent. With this in mind, how might we begin to frame differently school desegregation? First, we might wish to reflect back to the 1955 article quoted at the beginning of this chapter in which the need for a word change is identified: we do not wish to see the schools desegregated, “any process of bringing Negro (or other ‘non-white’) and white children into the same schools” we want to see schools integrated, “[the full] participation of Negroes and whites in the same activities with a maximum of cooperation” (Valien, 1955, p. 388-389). Reflecting on Lakoff’s work, we know that language carries one’s values. We cannot cross-reference here—desegregation will not produce equal educational outcomes,

integration, however, might. Also an important step is a larger vision of how class, culture and race intersect and are inherent to any institution within the US context of capitalism—the schooling system does not exist in a vacuum and full participation and cooperation does not happen by quantifiable placement of students of different races into the same school, voices from various sectors of society must have equal importance and equal say in how our school systems function and what schools should be accountable for accomplishing. To define improvement, a group consciousness that goes beyond financial attainment and professional prestige, a mission that holds dear these values and understandings of intersections must be developed and agreed upon by those concerned constituencies who seek change. In addition, Lakoff discusses accountability. With this in mind, in order to monitor change, a well organized plan to revamp the structural system of schooling in which education should take place, must be designed, bought into by various constituencies, implemented and enforced. This structural accountability system must include race, culture and class inequality and their intersections. Mere displacement of students does not address structural inequality, while outcomes set up only to perpetuate inequality and disrespect myriad definitions of success are detrimental in a pluralistic society.

In 2005, I interviewed the founder of Nairobi Day School—a high school established in EPA during the 1960s with the main goal of self-sustained, community-controlled, African-American-centered education. The Principal of Nairobi, Mr. Bob Hoover, was not new to the issues of inequality faced by African Americans across the country. Born in Gastonia, North Carolina, Mr. Hoover graduated from an all-black high school in the early 1950s where, “we had a terrific set of teachers [until] they took all of the best black teachers and they put them to teaching white kids and took all the worst white teachers

and they were teaching black kids and of course the thing just went down the tubes.” Having experienced housing discrimination while a graduate student at Stanford University, he knew the Highway 101 divide sliced down racial lines. In 1967 with the battle to leave open the only high school located in EPA beginning, he and one other black EPA resident won seats to become the first members of the Ravenswood School Board as he put it, “from this side of the Highway” (B. Hoover, personal communication, 2004). Sitting along side these two members of the Board were Attorneys, Robertson and Marer and one other African American who lived in Palo Alto and favored desegregation. As Mr. Hoover describes, he too was in favor of desegregation until a meeting in the late 1960s changed his position.

At a regular meeting of some twenty plus, well-educated, professional EPA residents, sat SNCC founder, Stokely Carmichael, who was a regular guest at such meetings whenever he visited the West coast. After one particular meeting, he was asked his thoughts about a plan to force the desegregation agenda at an upcoming Sequoia High School Board meeting. As Mr. Hoover recalls, Mr. Carmichael replied, “I don’t understand why you’re so anxious to send your children to the people who have been oppressing them for four hundred years...turning their brains over to those people.” Reflecting back, Mr. Hoover told me, “That night changed our whole perspective and that’s when we started Nairobi Day School and we began to take over the school district and that whole thing. It became about control of your destiny...just that one comment” (personal communication, Hoover 2004).

Control of one’s destiny is no part of the existing desegregation frame. Desegregation was never intended to rectify racial inequality plaguing the US context for hundreds of years. As Critical Race Theorists, like Derrick Bell, have argued for more

than a decade now, “the edifice of segregation was built not simply on a troubling judicial precedent, but on an unspoken covenant committing the nation to guaranteeing whites a superior status to blacks” (Bell, D. 2004). Could simply dismantling segregation of public properties dismantle the ideology prevailing in such an unspoken covenant? As Bell asks, “what if *Plessy v. Ferguson* was still the law of the land?” (Bell, D. 2004). It is not that desegregation is wrong or that it is an ideology to be forsaken, but that integration is not achieved through equal access to opportunity nor are differences in ideology remedied through our court system—integration, unlike desegregation, will take those in power relinquishing some of this power or those with less power demanding more of it.

It is my conclusion that the Tinsley aftermath looks much like the pre-Tinsley landscape for the majority of EPA’s youth. In order for this landscape to change, we must stay critically conscious, racially mindful, and culturally adept to make any changes we wish to see occur within our legal system as it is currently structured. And, at the micro-level, I tend to favor Mr. Hoover’s approach to a quality education—one of culturally centered, locally respectful, and progressively developed curriculum. After all, the graduates of Nairobi College, which as also a part of the Nairobi Day School project, went on to have relatively successful lives in comparison to the general population of EPA. Sadly, Mr. Hoover’s program was not more successful at retaining to EPA these well-educated and politically mindful Nairobi graduates. According to Hoover, the majority are now living and working outside of EPA. It appears clear to me what the Tinsley parents asked for was misconstrued, fought for and lost in a ten-year court battle—after eighteen years and during a closed door Board meeting on September 9, 2004, settlement order report was approved for deletion as a responsibility (California State Board of Education). Have the educational opportunities for children growing up in

East Palo Alto improved? No, if one reflects critically on the court's settlement order which did not offer a contingency plan for improvement and thus became simply a report to be housed with the courts, the Order offered no strategic plan to the Ravenswood District and only worked to skim from the top the District's better informed/prepared pupils and their families—one is hard-pressed to deem this outcome a measure of success for EPA. Like Marer, I find myself frustrated by the little change to improve the quality of public education afforded non-white students living in EPA. Why this lack of quality education continues to plague EPA is obvious in my mind—the transfer program helped bandage a wound caused by race and class inequality with the creation of 200 slots for kindergarten, first and second grade-level offspring of informed parents while disassociating itself from the ongoing suffering caused by race, culture, and class inequity in EPA. This wound continues to wreak havoc in East Palo Alto, minus the court-ordered 200 students each year who as a whole show minimal academic improvement over the non-*Tinsley* residents of EPA and yet still lag far behind their white classroom peers.

As I began this chapter with Lakoff, so too I shall end it by reiterating his statement, “Awareness matters. Being able to articulate what is going on can change what is going on” (Lakoff, p. 74). I wish to be a cognitive activist and to help reframe the 1976 class action desegregation, lawsuit known as the *Tinsley* case—perhaps, by articulating what has happened in the two decades since the court's verdict, reframing will instigate a new description for this case and might lead to new beginnings for the people of EPA.

Although I do not wish to see the baby thrown out with the bath water—thus I do not argue for dismantling the court order, as I fear the unintended consequences of undoing any formal racial desegregation laws in our school system without first having in place a

practical integration strategy—I do believe within the ten years of legal documentation (now in my legal possession) and some four decades after its initial fervor, I find some kernels, which help reframe this case and trouble its outcome. And hopefully this process will lead to more discussion, inclusive solutions, and an integration plan. Chapter six will look more in depth at the City of EPA and how issues of individual and collective good play out there.

CHAPTER 6

INTIMATE COMMUNITIES OR IMPERSONAL ASSOCIATION

In 1887, Ferdinand Tonnies identified a shift occurring within society from a focus on *Gemeinschaft*, translated as intimate communities, to *Gesellschaft*, or impersonal associations. According to Tonnies, intimate communities are identifiable by their sense of group responsibility, purpose and identity; they are environments where everyone knows everyone else. Intimate communities can be subsets of a larger society. In turn, impersonal associations are identifiable by their sense of individualistic pursuits and purpose; they are environments where temporary friendships, individual accomplishments and self interest hold dominion (Tonnies, 1887/1988). In this chapter, I wish to use Tonnies' theory and explore whether it offers an alternative interpretation of the school desegregation process and whether or not the process provides evidence for or against Tonnies' theory. How did the United States negotiate school desegregation at three levels of society: local, state and federal? Moreover, does this negotiation suggest evidence for Tonnies' theory that we are becoming a world dominated by impersonal associations?

School desegregation reform may provide one example of a societal shift within a US context toward impersonal association. At the federal level, we find examples of this impersonal association. Exemplified in the famous school desegregation ruling, impersonal association was a factor in the court's 1954 ruling. Presumably, there was no thought given to how the local practitioners viewed, understood or applied equality in the classroom. Attorney for the *Brown* decision, Judge Robert L. Carter laments, "If I had to prepare *Brown* today,...I would seek to recruit educators to formulate a concrete definition of the meaning of equality in education, and I would base my argument on that definition" (as cited in Bell, 2000, p. 290). Furthermore, consultation with local practitioners may have led to tools needed for the assessment and measurement of equality. Also, focus groups might have resulted from practitioner consultation to then evoke local community buy-in/resistance and preparation for racial desegregation. Perhaps if EPA's residents were encouraged by either the school board or local leadership to come together and unite over issues of racial desegregation, Ravenswood High School might still be an up and running academic institution in EPA. Unity within the community, I argue in previous chapters, may have resulted in a different outcome and the creation of a settlement order in the instance of the *Tinsley* case that reformed academic quality while preserving a local community identity in EPA.

On the state level, impersonal association is exemplified through the action taken in September 1957 by President Eisenhower to enforce school desegregation in Arkansas. When President Eisenhower sent the Arkansas National Guard to Little Rock's high school to protect nine African American high school students, the State of Arkansas' Governor, Orval Faubus, protested by dismissing these troops. His action left vulnerable

nine African American students, the high school's population in general, and the surrounding community to acts of resistance to racial desegregation in which violent means were often used. The following year he closed down all high schools in Little Rock and thus denied all high school youth in the area access to a public education (Branch, 1989).

One final example occurred in 1964, when the newly created Federal Office of Civil Rights was given the charge of insuring school desegregation compliance throughout the nation's school districts. The OCR was given authority to punish districts found non-compliant by withholding federal funding (see chapter 4, for details). Withholding monies allocated by the federal government to support school districts are not only punitive to the district as an institutional entity, but penalizes students who are without resources because funds are withheld ("Ranking the States", 1997).

In a society where individuals are nurtured and respected, federal, state and local actions by representatives of the legal system may in fact have good intentions yet breach their concern for the individuals within that community by enforcing rules and sanctions that do not adequately prepare local individuals and/or respect the local community's readiness for, or concept of, change. The point here is that intimate communities must be taken into account. The following statements made during the Freedom Rides of 1961 perhaps best summarize this breach. Although federal law had passed making racially mixed bus seating a federal law, the young, northern, African American and white Freedom Riders sought out to challenge President Kennedy to test his likelihood of response.

"This was not civil disobedience, really...because we [were] merely doing what the Supreme court said we had a right to do...We felt we could count on

the racists of the South to create a crisis so that the federal government would be compelled to enforce the law...When we began the ride I think all of us were prepared for as much violence as could be thrown at us. We were prepared for the possibility of death.” (In Williams, J. 1987, pp. 147-148)

James Foreman and other Freedom Riders, including about 300 arrested by the summer’s end, were willing to take such risks. When they left and returned to their northern domiciles heroes, who was left in the interim in these southern states to protect the local residents from the turmoil that followed? Finally, how are the consequences, positive/negative and intentional/unintentional understood and grappled with by the local community? This becomes an issue that plays itself out at the local level where, as Tonnies describes, intimate communities are shifting to impersonal ones.

Intimate communities are evidenced within some subsets of US society. One striking example is the Old Order Amish of Pennsylvania who are followers of a sect that broke away from the Swiss-German Mennonite church in the 1600s and settled in the early 1700s in several east-coast US states—the largest representation of this community resides in Lancaster County, Pennsylvania. They are obedient to certain values as part of their religion. These include: communal goals, humility, faithfulness, thrift and a slow-paced life (Kraybill, 1989). After many attempts by the state government of Wisconsin to enforce upon one community of the Old Order Amish compulsory education past the 8th grade, the US Supreme Court ruled in favor of the Amish. This ruling affirmed that for the Amish to attend public school beyond the 8th grade would prove a violation of their fundamental right to freedom of religion (*Wisconsin v. Yoder*, 1972). So while the events associated with school desegregation offer examples of impersonal association and offer evidence of how the federal government’s actions have influenced a shift toward impersonal association in the African American subset and some small-town southern

subset communities, the case of the Amish offers an example of how the federal government may in fact assist local communities to preserve their intimate communities.

The court's ruling stated,

They [the Old Order Amish] object to the high school, and higher education generally, because the values they teach [406 U.S. 205, 211] are in marked variance with Amish values and the Amish way of life; they view secondary school education as an impermissible exposure of their children to a "worldly" influence in conflict with their beliefs. The high school tends to emphasize intellectual and scientific accomplishments, self-distinction, competitiveness, worldly success, and social life with other students. Amish society emphasizes informal learning-through-doing; a life of "goodness," rather than a life of intellect; wisdom, rather than technical knowledge; community welfare, rather than competition; and separation from, rather than integration with, contemporary worldly society...high school education beyond the eighth grade is contrary to Amish beliefs...also because it takes them away from their community, physically and emotionally, during the crucial and formative adolescent period of life. During this period, the children must acquire Amish attitudes favoring manual work and self-reliance and the specific skills needed to perform the adult role of an Amish farmer or housewife. (*Wisconsin v. Yoder*, 1972)

EPA is an urban city inter-connected with the surrounding areas. As mentioned earlier, the city does not yet have a multi-purpose grocery store or a full service bank—it is simply too demographically and culturally varied, as well as inter-linked with its neighbors, to offer one large-scale example of an intimate community. But, as it applies to the Amish, Tonnies' theory does support the idea that a subset within a community might have attributes of an intimate community. For this reason, the Nairobi Day School located in EPA offers to us a subset example of an intimate community.

The Nairobi Day School opened in 1969. Its creation was the result of a parent's outrage with the public school system and its inability to educate the children of EPA. Gertrude Wilkes came to this conclusion because her son graduated from Ravenswood unable to read. In 1990, Ms. Wilkes is quoted as saying,

“I did all of the things for my children that they said you were supposed to do: I married one man, stayed under the same roof, made all of the cupcakes, made all of the coffee, and was a good parent. Yet my son graduated from high school not reading, and that made me mad. I’ve been mad ever since” (M. E. R. Hoover, 1992, p. 202).

For fifteen years, the K-12 system flourished. As a non-public school, Nairobi’s students paid tuition. Yet, aware of the financial support needed by its students, Nairobi was able to provide 80% of the students with financial aid. In addition to financial assistance, there was a money-back guarantee if a student did not learn to read at grade level.

As early as 1966, the Nairobi Day School took shape as a Saturday school. The EPA resident founders publicized the school in the local press and on the day the Saturday school opened up its doors, approximately 200 students were waiting. Saturday morning and one day per week evening classes continued until 1969 when Nairobi became a fully operational school—it maintained its Saturday school for additional academic support. Nairobi consistently educated approximately 80 K-12 students per year. It was located in the heart of EPA and easily accessible by all its students.

The school promoted positive attitudes, pride for one’s cultural heritage and held high academic expectations. Using a Freire (1970) community-based model, their assertion was that students’ motor and cognitive activities are enhanced and they become ‘more fully human’ when they are motivated by philosophies rooted in their own cultures.” Part of Nairobi’s philosophy emphasized positive labels and descriptions of students. The school’s founder explained,

“We also believe that every child can learn. We do not buy the idea that because we are teaching children from one-parent families and our community is 99-1/2 percent Black that it is hard for our children to learn. We tell the children they are smart enough to do anything. And you can see the pride and dignity build up in them when we tell them that they are smart, that they are good looking.” (In M. E. R. Hoover, 1992, p. 204)

Academic preparation worked in tandem with the development of a positive self-concept and cultural image; both were equally important and yet the Principal of Nairobi wanted to make certain that all teachers understood the academic focus:

“We are not here to play games. New teachers sometimes feel the best way to establish rapport with students is to play with them. That kind of thinking runs through the whole society. But we can’t afford to spend Saturday mornings playing with our children. The programs developed are not play programs, they are educational.” (In M. E. R. Hoover, 1992, p. 204)

Principal Hoover captures the importance of loving one’s culture in this quote,

“We also believe that children must see themselves with a history, language and culture that is theirs. It is valid. They do not have to turn into white kids. Our children don’t need to love opera and ballet. They can dig James Brown and John Handy and not be ashamed.” (In M. E. R. Hoover, 1992, p. 204)

Through my research, I discovered Nairobi was not the only Afrocentric-school in EPA. In 1981, the Shule Mandela Academy opened its doors. The academy’s director is Nobantu Akoanda. In an article from 2000, the director and academy are described:

With some 100 children currently enrolled in a K-8 program chartered with the Ravenswood School District, the school sits on a spreading eastside lot that closely resembles the West African village East Palo Alto once strived to emulate. ...

Dressed in an ankle-length, African print gown, Academy Director Nobantu Akoanda pushes the wisps of dreaded hair away from her forehead and tries to explain the difficulties of preserving an African American tradition in a community that is slowly being drained of its African American population. She’s lived in East Palo Alto since 1974.

‘They say development is coming to raise the community up,’ Akoanda says. ‘But in fact, its intention is to move African Americans out...All this development is coming in, twisting and turning things around, making waves in the community, but it’s not here to help African Americans. What was built in the 1960s and 1970s is being totally destroyed. Gentrification and racism go hand in hand.’

[The Director describes gentrification by reflecting on a new residential development in EPA] “In East Palo Alto, people have front lawns facing the street. They sit out on their porches, or work out there in their gardens, and you can talk to people as you walk by. But this new housing, you can see the

way it's being built, it's unfriendly to the community. All the lawns are set in the back, away from the street. Everything is facing inward, as if they don't want to associate with the rest of us." (Allen Taylor, 2000).

Shule Mandela Academy raises funds by putting on a yearly Collard Greens Cultural Festival. In 2005, they celebrated the festival's seventh's annual event. The yearly event in EPA helps to support the education and building plans of the Academy. Also, at the festival's Website, is evidence of the linked heritage between the Academy and the Nairobi Day School,

Last year's festival coincided with the 'Nairobi East Palo Alto Legacy Reunion'. From the mid-60s to the early 80s, many of the local community institutions had 'Nairobi' as part of their name, and East Palo Alto itself was also known by that name, reflecting the then primarily African American residents' goals for community development and self-determination. The Nairobi experience has its historical roots in the effort to improve education, with the establishment of the first African American community college and an independent pre-school to high school system that served as the catalyst for the Shule schools that would follow (Collard Greens Cultural Festival, 2005).

The name Nairobi comes from Africa. Nairobi is the capital of the African nation, Kenya. And since the 1960s, it has been the Afrocentric political name of EPA.

According to Allen-Taylor,

in a time when East Palo Alto was still unincorporated, young black community leaders sought to rename the area after the Kenyan capital of Nairobi as a symbol of the then-popular Black Pride and Black Power movements. "With a name like Nairobi," some activists told reporters from the *New York Times*, "everyone will know that we are black." In 1968, community residents turned the idea down 3-1 in a referendum, but several organizations and black leaders continued to press forward with the idea of a black-oriented city. (Allen-Taylor, 2000)

According to the "Nairobi East Palo Alto Legacy" reunion Website,

Nairobi was a community of like minded, dynamic and brilliant people that set out to create a different life for themselves, their families and their community. They set out in a time of incredible national and international change, to create a place that was reflective of their African heritage, working class sensibilities, and revolutionary spirit.

The principle institution of the Nairobi movement was the Nairobi Schools...[there] All of the students were actively involved in not only their education, but on transforming the community into a place that was reflective of this new spirit of change in the African American community and the world. (M.S. Hoover, n.d.)

The Afrocentric legacy of the Nairobi School and Shule Mandela Academy live on.

This is evidenced by the return of some of its pupils to the community. These include the founder of the Shule Mandela Academy's daughter, Ayodele Ankoanda Kinchen, and her childhood friends, Erika Simpson—who, like Ankoanda graduated from Howard University—and medical doctor, Shanti Perkins who is the daughter of EPA's previous Mayor, Pat Foster, and a graduate of both Harvard University and the medical school at the University of California, San Francisco. All three women are now working in EPA where they help to run the Ravenswood Family Health Center (RFHC)—since 2001, RFHC has been an established community health center in EPA whose mission it is to provide affordable, preventative and primary health care access and services to all EPA's residents regardless of the ability to pay ("Ravenswood Family Health Center," n.d).

Perhaps the intersections the African American community had with its neighboring communities are factors to why the federal government's influence had such drastically different outcomes for African Americans who experience school desegregation than the government's influence had for the Amish children attending public school. Or, perhaps, the only viable way to preserve an intimate community's values and beliefs is the all-out rejection of an association with modern-day society and a movement toward complete ethnic and land sovereignty. There are examples within both the African American community and the Native American community where complete sovereignty from the US is a goal. Although outside the scope of this dissertation, cited here are a few sources

that affirm my assertion: Churchill, 1989; Obadele, 1998; and Brayboy, 2005. Also, outside the scope of this dissertation and yet well-noted in the literature here cited is the infiltration of the federal government into such ideologically-situated groups through the FBI's secret operation, COINTELPRO: Churchill & Vander Wall, 1988; "Indian Activism," n.d.; Churchill & Vander Wall, 1990; Newton, 1996; Hilliard & Cole, 1993). These secret investigations by the FBI of the intimate communities were certainly disruptive to the internal goings-on of the communities. The FBI denied its involvement for years and denied the existence of the COINTELPRO. Might their covert activities have anything to do with the near-extinction of such large-scale intimate communities by the mid-1980s? There is a lot to uncover in these secret investigations. Perhaps, there was reason for their covert infiltration, public cover up and public denial about their operation. It is difficult to know and is beyond the boundaries of this dissertation. What I do know is that with today's technology it is much easier to transmit two sides to a story than it had been during the COINTELPRO era. Perhaps trends in technology can allow for more public awareness about similar communities in the future while shedding light on these communities from our past. Like the Old Order Amish, as well as Native Americans, African Americans preserved cultural ways over hundreds of years. What follows is a summary of what was preserved.

In the southern US, African Americans maintained many ways from the coast of West Africa through the slave era in US history. The most important of these was kinship. According to Patterson, "[T]hroughout the New World slave systems, Africans and their descendants tenaciously held on to the strong valuation of kinship and to the fundamental West African social tendency to use kinship as the idiom for the expression

of all important relationships and rankings” (Patterson, 1998, p. 27). During what Patterson (1998) calls, the neo-slavery era of Jim Crow, the bonds of kinship continued to play a significant role, as sharecropping and tenancy farming was the most common form of employment for African Americans. Various social/familial adaptations were made necessary by plantation life and thus kinship bonds extended beyond blood lineage on sharecrop farms. Although there was a time during the antebellum period in which African Americans owned property, the promises of the Emancipation Proclamation never came to fruition. With both African Americans and whites losing their farms in the Great Depression, many African Americans were further disadvantaged because programs like the Home Owners’ Loan Corporation (HOLC, founded in 1933) refused to make loans to African American farmers. HOLC is also responsible for institutionalizing red-lining techniques to even further disadvantage African Americans from obtaining loans. Strong kinship bonds, then, became a means to obtain financing for property purchases; yet, this fashion of property financing made the purchasing process much slower than if African Americans had been able to obtain financing through large banks.

As mentioned in chapter three, migration patterns of African Americans seeking better opportunity and employment lead some to the Bay Area. Many, including my father, went first to Chicago and then further West. And like my aunts and uncles, established kin in westward locations perpetuated the southern Diaspora. According to Conley (1999), there was also a false promise of land ownership, which caused many African Americans to move west, “Those few black individuals who managed to escape sharecropping and join the westward migration with the promise of land grants found that their ownership status was ‘not legally enforceable’ in for example, the state of

California” (p. 35). Labor opportunities during World War II then enticed many disenchanted African Americans to stay out west. As described in earlier chapters, in the Bay Area, many African Americans moved to Oakland and then, upon employment layoffs there, moved south-west to EPA. This was the exact migration pattern of my father in the late 1950s. The Civil Rights era brought for the first time in US history legally sanctioned freedom for African Americans to live in any communities previously segregated through racially restrictive covenants. In recent years, this class and race-based migration is still proving to be slow coming. In fact, some researchers offer evidence that changes in class mobility have not changed locations of residents (Padilla, 1976).

What we do see over this time, through these various geographical changes and even through class mobility (Padilla, 1976), is that cultural bonds and the importance of kinship remain strong among African Americans. I wish, however, to assert here that I do not believe there is a homogeneous, monoculture that we can uniquely label, ‘African American’. Like works by Wilson (1978, 1987), Bobo (1997, 2004) and Collins (2000), I do not wish to portray a monolithic African American identity. Yet, I will suggest that the majority of African Americans have had similar experiences that can then impact worldview and values. Some of this worldview includes notions of schooling, as described by the Nairobi Day School and Shule Mandela Academy.

While close kinship bonds sustained from West Africa offers a partial explanation for an African American cultural bond, other shared experiences came from their socio-political separation from whites and predominantly southern roots. Also, racial discrimination laws played a huge role in maintaining these tightly woven communities.

While some of the mannerisms and values are carry-overs from the shared history discussed above, during these same periods of time there was a mixture of myriad religious ideas from an amalgamation of African cultures and exposure to Christianity, which played a role in forming an African American cultural bond (Blackwell, 1991). Historically, we have evidence for why African Americans became a close-knit and closely guarded community within a community. Similar to the Old Order Amish, African Americans were viewed as pariah by their larger community. Yet different from the Old Order Amish, African Americans were not cast aside because of their political differences, values and norms; a collective identity among African Americans arose because of their unique historical relationship as both a cultural subset and a commodity in the US. Academicians, called revisionists, over-represented the notion of a monolithic ‘Black Experience’ and reified a position that slavery was a minor contributing factor to the historically similar, albeit minimally varied African American experiences we see today. Like Patterson (1998), I strongly disagree with the revisionists’ interpretation of the African American experience. The shared history of slavery, Jim Crow, Civil Rights and Affirmative Action provide African Americans a unique and shared cultural bond in the US. Yet, post-1965 and the legal desegregation of all public entities, migrational patterns and socio-economic differences allow African Americans more legal opportunities today than in the past to move, if only slightly and in small number, up the ladder and closer to white society (Horton, 1993).

And it is this shift in mobility that calls into question Tonnies’ theory. For as African Americans in EPA become more upwardly mobile, we see far fewer of them remaining in EPA, as the intersections of race with gender and class are ignited. The

Tinsley Settlement Order, then, is a local example of an impersonal association in that certain individuals, not as members of a group, had a voluntary opportunity to improve their individual lot in life. The number is never allowed to exceed a cap that might create a critical mass. And because of this cap, the voluntary opportunity is not available to all who may wish to pursue it.

School desegregation is based on notions of groups. This is exemplified by the very nature that *Brown* is based on an equity argument that makes ethnic-specific references to whites and African Americans (and other ‘non-whites’). Yet the opportunity for EPA’s youth to participate voluntarily was constrained in several ways. First, the opportunity was constrained through access to information about the program (culture of capital). Second, the opportunity was constrained through age (only those kindergarten through the second grade level were allowed to apply). Third, the opportunity was constrained through race (only non-whites could transfer out of Ravenswood while only whites could transfer to Ravenswood). Finally, the opportunity was constrained through geography (only those living within EPA could participate; if one became financially able and in some way motivated to leave EPA—for example, motivation to leave the area may come through a desire to seek a safer environment in which to raise children, as this was certainly my mom’s motivation—they were not allowed to continue their participation in the program.).

While it could be argued that a group was in fact created based on access to information, those with non-white children between the school ages of kindergarten to second grade and living in EPA, this group is not treated as an intimate community, as the 60 students each year are dispersed throughout the seven surrounding school districts.

Furthermore, once at the schools, no intimate community is nurtured as students are mainstreamed with the general student population.

The *Tinsley* case then has had a double impact on the city. First, it drained the school district of its highest performing and more socially astute families, and second, the continued under-development of the city's school district, limited white-collar job opportunities and gentrification combine to make EPA today a city much different than it was only two decades ago.

Legacy and destruction are realities to what is EPA in the 2000s. Relocation and death of individuals who possess institutional memory, the closure of Nairobi as an independent school separate from the Ravenswood School District, and the physical demolition of the edifices for both the RHS and the Whisky Gulch area attest to the destruction in EPA.

At the location of the RHS, sits the Ikea, Best Buy, Starbucks, 31 Flavors Baskin Robins, Home Expo, Togos and Home Depo—all newly erected consumer stores for a city, which less than a decade ago could not coax a bank to locate. Today, still no bank is located within EPA's 2.5 square mile city limits (there are now a few ATM machines); however, the tax-base created by these newly constructed revenue-generating edifices certainly suggests a Bank of America or Wells Fargo is on the horizon. Paying workers less than a living wage and offering products for which traditionally there has been less of a market response from the working poor and non-white community, it is ironic recognizing Ikea, with its apropos bright blue and yellow Scandinavian insignia, as the city's most widely visible landmark.

Certainly like many low-income communities, EPA is a small city where exists a tightly woven fabric of long-time residents alongside newer, oftentimes temporary, residents. In fact, many of the old-timers still associate me with my father and his barbeque restaurant, which closed down shortly after his death in 1996. Some people still acknowledge passerbys with a nod of the head or wave of the hand. There are individuals for whom an identity as East Palo Altans is something still worthy of preservation. Yet, with the high price of housing affecting the Bay Area in the previous three decades, EPA's homes remained priced far below the market value of homes in surrounding cities along the San Francisco peninsula.

Now this trend is changing. A home two blocks from where I am writing just sold for one million dollars—a figure, that nearly rivals prices outside the city limits. Yes, indeed, there are some for whom the community good of better public schools is still an important issue. However, California is no longer the leader in education it was in the 1970s; nor are there social justice activists willing to forego large lawyer salaries; the community fervor is less visibly organized, as well—these are three hurdles today plaguing the public school system in EPA. At the location of the Whiskey Gulch stands a new Four Seasons Hotel and stories-tall law offices. In addition to the physical demolition of these edifices, we have the physical purging of boxes of notes and collected materials, which spanned more than ten years in the life of this case. When I reread an e-mail from Berlin, I was struck by these words, “Upon my retirement, I purged most of my files.” He purged most of the files on this class action lawsuit? Why and how? To what purpose might these papers have proven useful? We will never know, however, I feel confident that the boxes of legal papers still in existence and in my legal possession

will not meet a similar fate. These papers will continue to have meaning to future interested parties if we are wise and act now to rebuild an intimate community identity in the 2.5-square-mile city.

By digging into this case, I find it difficult not to be critical of the past. After all, hindsight is twenty-twenty. Perhaps if the lawyers had listened better to their clients; or perhaps if their clients had articulated a more community-oriented solution; perhaps if Mr. Hoover took more direct action; or perhaps if *Brown v. Board* provided a more concise definition of, then we would not be here in 2006 reconsidering desegregation's failed attempts to offer non-white students a quality education. However, if any or all these quandaries came to fruition would those at the top allow themselves to be displaced? Would those whose daughters and sons benefit from the status quo voluntarily step down from their positions of power? Since 1987, only two students have voluntarily transferred into EPA's school system. If indeed it is possible to dig into this case without changing the power structure, is it even the worthy approach to take?

Unlike Tonnies, I do not see the mutual exclusivity of his terms—*Gemeinschaft* and *Gesellschaft* within the EPA context. I should think it is viable here for a cyclical pattern to occur between the two forms. The original *Tinsley* documents echoed my sentiment. In the original documents, as cited by Attorney Marer, there was genuine hope that some black youth of EPA could obtain a better education outside of Ravenswood/Sequoia District while district wide educational improvements were being made within Ravenswood/Sequoia. This *partial collective good* presented itself in the form of the Ravenswood Improvement Program—a portion of the settlement that called for extra state money for Ravenswood (these monies were eventually funded yet poorly managed

according to my interview with Attorney Marer)—and a yearly report housed at the San Mateo County Superintendent of Schools’ Office. The trouble with the Tinsley Settlement of 1986 is there exists no accountability procedure to facilitate the educational improvements in EPA or community-wide definition/rubric for how improvement should/is operationalized. After enthusiasm dissipated following the long-fought 10-year suit, many parents felt triumphant with their partial victory—after all, their immediate offspring now legally were able to obtain education in the surrounding districts. Although an issue of much dispute, I do believe Ravenswood received some monies from the *Tinsley* case to make district improvements; however, the district was not legally held accountable for their distribution. Furthermore, as a district, there was little agreement that the negative publicity from the lawsuit or the siphoning off of its students helped benefit the district. Finally, there is no evidence that the community of EPA at large knew, understood, or contributed to a working definition of educational improvement. And so in a district with far more needs than it has resources, I believe monies allocated for sweeping overhaul in Ravenswood instead were used indiscriminately—more to cloture the wound than to attend to the bacteria festering underneath.

To improve education, we must think both of the individual and of her or his situatedness within a community. Perhaps, this community is not easily identified on a physical map yet exists as part of one’s mental map, historical associations, political and cultural underpinnings. The role of school desegregation in this light is more complicated than simple demographic assignment of students to demarcated locations. As Olson (1982) suggests, small group buy-in is most important to any cause, as the small group can see in her/his participation some reward/incentive. Supporting ‘general

interest' concerns—such as improving a district's educational outcomes—is less apt to receive continuous energy. Rather, supporting 'specific interests'—such as improving the educational opportunity of *our group of children*—is more likely to receive collaborative effort and attention. Given the immediate need to service the individual's plea for a quality education and its appeal to a small group, it is structurally easier, albeit morally less responsible, to see how educational improvements within the Ravenswood City School District fell to the wayside. In the following, final chapter, I offer my humble suggestion, which, along with more community-level revamping, might help to create what Tonnies calls, a Gemeinschaft-driven society for the residence of EPA so that local shifts and changes are more closely monitored by those most greatly affected by this movement.

CHAPTER SEVEN

FINAL CONSIDERATIONS

The fact that I was born into this community, left this community and then returned to it to reunite with my father and work as a teacher in the Ravenswood City Elementary School District, provides me with a unique lens on the locale. I easily recall an EPA of shame, when people wanted nothing more than to escape this town. Less immediate is my memory of a thriving small community where people knew each other, looked after each other, and bought and paid for homes from the blue-collar labor of one paycheck. For this I rely heavily on my mom's accounts. She recalls a dynamic, small community filled with activists and motion in the late 1960s and early 1970s. Having lived outside of California for nearly seven years, as I return to this area, I see many new faces, new buildings and new promise.

There is a new charter public high school in which 70% of the teachers are graduates of Stanford's teacher education program. There are ATM machines and on the old site of the original high school, stands a Starbucks, Best Buy and other chain stores. These changes are overwhelming when one considers the past of this small community where in 1989 the town's recognition came from its rank as the number one murder capital, per

capita, in the nation. There is still no general-needs grocery store—thus, in order to get groceries, one must travel on Highway 101 or cross this freeway into Palo Alto.

Both promise and loss are adjectives to describe the happenings of EPA in the 2000s. During these changes, many people have left the area, retaining their memories of a worn-down community. More recently, a young, Stanford-educated group has moved into the area for reasons related to lower housing costs and proximity to campus. These newcomers see a very different place and have differently defined ideas of promise from those held by long-time residents, such as my friend, a former Ravenswood district principal and now Ravenswood school-board Vice-President. He identifies promise through community investment and prides himself on living in the community through its many shifts and identities.

The loss of my father was very hard. He *was* EPA in many ways for me. He owned a barbecue restaurant where the locals gathered and exchanged news of the day. He *was* news. The community misses his persona and when people figure out my relationship to him, they like talking with me, asking me questions, and learning about my family's well being. However, most of those who "ran the streets" with my dad are all old or gone now. Many have died from their fast, carefree ways; many leaving women, like my mom, who remember men unwilling to settle down and take responsibility for their children. And those who are still around have "changed their ways" and do not want me around to dig up a past riddled with mistakes and regrets.

This study has a difficult ending. When I read about the energy and fervor for change that was EPA in the 1960s and early 1970s, I also reflect on the 1980s and early 1990s as a time of violence in EPA; today, I see physical changes as well as demographic changes—will the class and racial changes taking place currently, respect or even

recognize and honor past attempts to have an identity unique to EPA? In this study, I am both a researcher and a woman trickster with a desire to build bridges and problematize their asphalt foundations cleverly smoothed over by bulldozers. I am a researcher; researcher am I. I am observer—observing myself through the stories of a place called East Palo Alto.

Reflections on where to go next

Why care about EPA and its people? After all this city and its people make up such a small percentage of the Bay Area's population and within a few years, probably will be subsumed by the financial power of its neighboring cities. Why not step aside and allow a spirited past to be covered over in asphalt much the same way as Ravenswood High School's grounds were covered? An honest, perhaps sappy, answer to this question is that I want a way of understanding my own experiences as a non-traditional student in the academy with roots in EPA. What is my purpose here in the academy if not to acknowledge the richness and complexity of the past in order that it might positively guide the future? How can I 'give back'? How might I get the ear of those who so desperately wish to help the needy but do not see that this 'help' is often very selfish and not helpful? Why would a group perceived 'to have' want to hear from me, a person perceived 'to have not'? In order to be heard and after high school, I sought out the path of formal education and yet in order to be respected, I write this dissertation to honor my humble past—not to romanticize it, correct it or condemn it, but to acknowledge it and let it speak differently from how it has traditionally been framed.

Generational Help—It's Democratic

Although not a common credo of the white, middle-class US population, it is perhaps a theme found in non-white credos such as that commonly used by my African American father who frequently said, ‘a man must first get himself out of the quick-sand before he can lend a hand to others still being swallowed up by it.’ According to African American ideology, large-scale change will not come in one person’s lifetime, as exemplified in the words of Dr. Martin Luther King’s “I Have a Dream” speech, but through generational struggle and sacrifice, the group ‘will get there by and by.’ This ideology is where I am situated. I strongly believe that the individual’s sacrifice to the community will eventually benefit the individual in return. And it is this mindset, which drew me to this research study—can an individual educated outside of her community, come back to provide to her community and receive a good in return—thus keeping alive, at least on a small scale, Tonnies’ notion of an intimate community? I found evidence for this approach in the fieldwork portion of my dissertation research.

In addition to the court-ordered voluntary transfer program, the plaintiffs in the case wanted to see monies set aside to help rebuild East Palo Alto's school district so that eventually students would not need to leave their community in order to obtain a quality education. The court granted the plaintiffs their request. Yet the settlement order did not mandate a timeframe in which improvements were to occur. Alas and unlike monitoring of the voluntary transfer portion of the settlement order, there was no facilitator assigned in Ravenswood or an annual report kept by the court; no similar accountability structure was put in place to monitor the monetary aspects of the suit. Both sides blame the other for lack of accountability—East Palo Alto Superintendent, Dr. Knight says the monies never arrived, while litigation for the plaintiffs suspect mismanagement of the funds. County officials believe both sides are partially correct.

County officials now say that, despite their reports, the truth is somewhere in between: Ravenswood would have received some of the money anyway as a result of a statewide attempt to equalize school funding, but it still gets an extra \$222 per child per year because of the Tinsley case. (Posted on Wed, Jun. 26, 2002, <http://www.bayarea.com/mld/mercurynews/news/local/3546405.htm>)

Not better equipped than the County Officials to determine if these funds are properly allocated/spent, I do see a weakness inherent to the plaintiff's case, which I believe stems from the deficit theory—and thus ties into my concern about helping gestures that do not include the voice of those identified to receive the assistance. The following sub-section, deficit thinking, might provide insight into why school reform has not come to East Palo Alto.

Deficit Thinking

Deficit theorists locate the problem of the 'disadvantaged child' within the culture and environment of the child (Persell, 1981). Like deficit theorists, the main attorneys in the *Tinsley* case thought the best hopes for children growing up in the impoverished area

of East Palo Alto meant their removal from this environment and into a school where they could sit in proximity to students from affluent homes, possessing generous resources and enshrined in white cultural understandings. Twelve years after the settlement, Attorney Robertson said he is “satisfied that those students who volunteer (to transfer) are getting a better education than if they had stayed” (Lorenz, 1998). Like Attorney Robertson, Attorney Marer also held this opinion, “We're continuing to lose generations of students in Ravenswood, and they're all minority students...How can we allow this to happen? It's a disgrace!” (Posted on Wed, Jun. 26, 2002 on <http://www.bayarea.com/mld/mercurynews/news/local/3546405.htm>).

Robertson and Marer's view is one held by many in the education community who feel the best education available to children born into urban environments is an education outside of that urban environment. The following is a quote from one such future educator:

“These kids come from *hard* neighborhoods...It's just...a mess. So far removed from everything I grew up with. It's just so poor and so destitute that...I feel sorry for those kids! They have to battle at home and they go to school and deal with that and they don't have any help at home.” (Cited in Marx, S. 2002, p. 4)

This quote is from an interview with a pre-service teacher who, self-proclaimed, is white, middle-class and female. Becky, a pseudonym for the pre-service teacher, is describing the environment in which she perceives her tutee to live. She arrives at this perception after volunteering to accompany her boyfriend, a police officer, during his evening patrol of an urban area (Marx, S. 2002, p.4). This quote is only one example of how some in the middle-class, with no personal exposure to urban environments, might internalize and interpret the environment in which their ‘disadvantaged’ students live.

However, the problem of structural change with respect to the *Tinsley* case is more complicated than to say it was all the fault of an ill-informed middle-class.

A belief that the problem is in the environment is not one solely held by Tinsley lawyers and educators. According to the following quote from a local newspaper, it was also the belief of some East Palo Alto parents who participated in the transfer program: “The parents argued that students in the predominantly minority Ravenswood City School District should be able to transfer if they wished to the surrounding predominantly white school districts.”(Palo Alto Weekly, Friday Apr 21, 1995 http://www.pawebly.com/PAW/morgue/news/1995_Apr_21.TINSLEY.html)

Niklas Luhmann, who writes about political theory, the Welfare State, and common good concerns, perceives impossible a large-scale improvement for modern humanity living in a democratic state. He asserts, “everything could be different, and I can change hardly anything” (cited in Munkler & Fischer, 2002 p. 430). I see the student participants in the *Tinsley* case suggesting something more personal and optimistic. Their observation or worldview suggests this creed, “I could be different, and I can change practically anything.” This change places the burden for it on the students without any analysis of the structural barriers to change that might make those shifts improbable. So quite naturally, if the *Tinsley* plaintiffs are shown to hold this belief, they too, would argue like the attorneys, deficit theorists and parents—the need for change lies with the individual and not with the structure. This theory, then, might help answer the question of why the transfer program has improved some individuals’ lives while structural change has not yet come to the East Palo Alto community—still an identified point of contention for Attorney Marer shortly before his passing. So my main contribution to the community after my fieldwork and dissertation are complete will be to identify strategies

to get these individuals, who believe in their ability to change as individuals to believe in an ability to change a community—thus to promote Tonnies’ notion of an intimate community.

Implications for the Future

Cultured people acquire...a certain right to act as judges of others, because society has put them in a position to develop their insides; on the other hand, it is outrageous for society to do this, because people ought to treat each other as equals. (Sennett & Cobb, 1972, p. 25 & 39)

With the direction taken by *Tinsley* case participants, there appears to be little attention paid to correcting the structural problems in East Palo Alto so that future generations would not need to leave. Closer analysis of the structural barriers to this change is a vital concern. In time, these barriers can weaken with the continued support and efforts of individuals—individuals who hopefully in the future will include *Tinsley* case students.

I see this structural problem as systemic to the fact that the *Tinsley* voluntary transfer students were not educated in their community, and in the external communities, nor were they educated to take pride in their EPA culture and heritage. The premise of their education was that by removing them from their *dysfunctional* communities they could prosper. Thus the city of East Palo Alto continues to be a burden on the surrounding communities and unless initiatives to improve *Tinsley* transfer student’s cultural cosmology are taken through a curriculum grounded in positive ethnic-specific stories of success and accomplishment, the community will not benefit from the individual, as the individual will most likely complete college, obtain a good job and seek

housing *outside* of the ‘condemned’ East Palo Alto community—the reality for all my interviewees.

This summer, one of my interviewees graduated from law school. When last I spoke with him in the spring, he had hopes of working and living outside of EPA and yet hoped in the future to “give back to the community in some way; I just don’t know how at the moment.”

For those Tinsley students I interviewed, the opportunity to attend an academically rigorous school is met with mixed emotion. These schools were usually many miles away from home and according to my interviewees, the school culture is generally very elitist and exclusionary. While these schools present the non-white student with opportunities to obtain academic skills and training to pursue post-secondary education at exceptional colleges and universities, as we see from this sub-section’s introductory quote, the students often face cultural dilemmas between their primary institutions of family and community and the secondary institution of school life. In Zweigenhaft and Domhoff’s study of African Americans in preparatory school, they found this ethnic identity struggle rampant among the students (1991). Unfortunately, for most students who ‘succeed’ in these elite school environments, it is best to disregard their ethnic identity with their primary institution/environment and embrace the ethnic identity and culture of a prep-school student (Zweigenhaft & Domhoff 1991).

Those black ABC [A Better Chance is a program founded in 1963 to transition low-income, African American students into the elite culture of the nation’s most expensive, preparatory, boarding schools] students who survived the prep school crucible were not the same people when they graduated that they had been when they arrived. They were not only two, three or sometimes four years older...Most had adopted the styles that prevailed in their schools; they dressed like prep school students, they liked the music prep school students liked, and they spoke like prep school students. (Zweigenhaft & Domhoff 1991, p. 65)

Most disturbing is the hegemonic ideology that non-white students attending elite schools are being ‘saved’ from an environment void of culture and significance. The following quote sums up well what one student felt were the prevailing viewpoints of white students and teachers in these establishments about their non-white peers and students:

What upset her most was the assumption on the part of the people at Abbott that culturally she came with nothing of value and that, therefore, the purpose of the experience was to teach her to be like other Abbott girls. “I realized once I got there that was the basic factor that separated me from them: They had and I was perceived to have not. And it was like they were doing me a favor by allowing me to participate in this cultural awakening.” (Zweigenhaft and Domhoff 1991, p. 76)

Although most *Tinsley* students will go on to have financially lucrative positions in society, some will feel, as the majority of my interviewees feel, that these rewards came at the price of a positive sense of cultural heritage and at some loss to their individual identities as proud African Americans from a vibrant EPA culture. One student laments during our interview that he feels more comfortable in mainly white crowds, “I went to school with them. I know how they think. When I’m at home, I feel like I don’t fit there.”

Implications from my findings are thus three-fold. First, I think it is important to see this study as a single instance in which educational opportunity was misinterpreted to mean quantitative racial balance. This case allows for continued reflection back to the beginning of school desegregation to seek out instances and occurrences where requests for integration were denied and were replaced with notions of desegregation. The implications for such findings can help unravel the counter-narratives at play. Second, the academic performance measurement of African Americans in the voluntary transfer program to other African Americans who were not participants in the voluntary transfer

program must end. What my study brings to the surface is how African Americans relative to their classroom peers in both the voluntary transfer program and beyond are nearly statistical equals—and equally distant from whites. Third, is for a renewal of efforts in local communities to unify and stand up for issues that benefit the public good. From my interviewees and the experiences shared by students in the ABC program, academic gains are coming at the cost of ethnic identity and pride in their residential neighborhoods. If the culture of an intimate community is to stand a fighting chance, we must instill in those educated outside of their cultural community a pride for their home community and a commitment to return to it and merge both an academically challenging curriculum with a culturally astute spirit.

TABLE 4.1: ACADEMIC PERFORMANCE INDEX & TEACHER INFORMATION

Ravenswood (2004-2005)		API Score	Avg. Yrs. Teaching	Credential
Enrollment	Grade Levels			
Belle Haven 726	K-8	590	14	75%
Cesar Chavez 506	4-8	613	8	52%
Costano 468	K-8	640	15	74%
East Palo Alto Charter 409	K-8	777	3	67%
Edison Brentwood Acad. 455	K-3	680	4	58%
Edison-McNair Acad. 530	4-8	615	4	46%
Green Oaks 403	K-3	484	7	75%
James Flood Magnet 301	K-8	746	14	94%
San Francisco 49ers Acad. 103	6-8	560	8	43%
Willow Oaks 656	K-8	601	8	86%

Palo Alto		API Score	Avg. Yrs. Teaching	Credential
Enrollment	Grade Levels			
Addison 387	K-5	915	-	100%
Barron Park 292	K-5	844	-	100%
Juana Briones 295	K-5	850	-	96%
Duveneck 446	K-5	939	-	100%
El Carmelo 336	K-5	884	-	100%
Escondido 486	K-5	879	-	100%
Fairmeadow 369	K-5	882	-	96%
Walter Hays 485	K-5	921	-	100%
Hoover 366	K-5	958	-	100%
Nixon 408	K-5	946	-	100%

Ohlone		907	-	100%
433	K-5			
Palo Verde		890	-	100%
382	K-5			
Jane L. Stanford		889	-	95%
807	6-8			
Jordan		905	-	98%
872	6-8			
Terman		912	-	95%
626	6-8			

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